

Judicial process - Jams & kashur (ndia)
Cante - J & K (wda).

347.9546

78442
29-3-72

RULES OF COURT RELATING TO PROCEEDINGS IN THE HIGH COURT OF JUDICATURE JAMMU AND KASHMIR STATE.

CONTENTS.

CAT

Chapter No.	Subject.	Page.
I	Jurisdiction of a single Judge and of Benches of the Court	1
II	The submission of records to the High Court for purposes of revision and petitions for revision of the orders of Criminal Courts	2
III	Original Civil Jurisdiction	4
IV	Appellate Civil Jurisdiction	6
V	The presentation and reception of appeals and applications for review and revision	9
VI	The making and filing of affidavits in the High Court ...	11
VII	The reception of Pauper Appeals	13
VIII	Applications under Order XXII, Code of Civil Procedure	ib.
IX	The representation of minors and persons of unsound mind	16
X	Rules under Jammu and Kashmir Press and Publications Regulation	17
XI	Rules under the Legal Practitioners Regulation and Counsel's Fees	19
XII	Rules regulating the practice of the High Court in the hearing of causes and other matters	42
XIII	Rules for the disposal of Executive and Administrative business	44
XIV	The inspection of records	46
XV	The grant of copies of records	48
XVI	The destruction of records	52



Allama Iqbal Library



78442

Chapter No.	Subject.	Page.
APPENDIX.		
I	Order No. I, dated 26th March 1928 constituting the High Court of Judicature, Jammu and Kashmir State...	66

HIS HIGHNESS' GOVERNMENT, JAMMU AND KASHMIR.

HIGH COURT OF JUDICATURE.

RULES OF COURT.

The following rules of Court have been made, with the sanction of His Highness the Maharaja Bahadur, by the Court under the powers in that behalf conferred upon it by His Highness' Order No. 1 of 1928.

CHAPTER I.

JURISDICTION OF A SINGLE JUDGE AND OF BENCHES OF THE COURT.

I. The following causes shall not ordinarily be heard and disposed of by a single Judge of the High Court of Judicature:—

(a) An appeal or a reference in a case requiring confirmation of the sentence awarded, under clause 17 of the constitution.

(b) An appeal by the Government under section 417 of the Code of Criminal Procedure, from an order of acquittal.

(c) An appeal by an accused person who has been sentenced to a term of imprisonment exceeding four years.

(d) A case in which notice has been issued to an accused person who has been sentenced to imprisonment for a term to show cause why the sentence be not enhanced.

(e) A charge against an Advocate, Vakil or attorney under clause 19 (b) of the constitution, or which such person can be suspended or dismissed from practice, and a disciplinary case under the Legal Practitioners Regulation of 1977 against any of the above or against a pleader for which such person can be suspended or dismissed from practice. Nothing in

this rule will affect a suspension from practice pending the final disposal of a charge.

(f) A first appeal against a decree.

(g) A second appeal against a decree where the subject-matter of the suit is more than two hundred and fifty rupees, but in a suit of the nature of small cause where the subject-matter is more than one thousand rupees.

(h) Reference under order LXVI, Rule 1, Civil Procedure Code.

II. A motion for the admission of an appeal from an original or appellate decree, or from an order passed in a suit or other civil proceeding from which a further appeal is allowed by the constitution or by any other law in force shall be made to a single Judge of the High Court of Judicature but if he is of opinion that there is no reason for its admission, he will refer it to a Bench which may either reject the motion or admit the appeal to a hearing by a single Judge or by a Bench.

CHAPTER II.

THE SUBMISSION OF RECORDS TO THE HIGH COURT FOR PURPOSES OF REVISION AND PETITIONS FOR REVISION OF THE ORDERS OF CRIMINAL COURTS.

I. Cases submitted to the High Court for revision of sentence, under section 438 of the Code of Criminal Procedure, shall be accompanied by the records and by a statement of the case giving--

(i) a brief abstract of the case ;

(ii) the sentence or order of the lower Court, and the name of, and powers exercised by the Magistrate passing it;

(iii) the particular portion of the sentence or order in which an error on a point of law is believed to exist ;

(iv) the grounds upon which the order of the lower Court should be reversed or modified.

It should also be noted how much of the sentence the accused has undergone; and, if he has been sentenced to fine or whipping whether the fine has been realised, or the whipping has been inflicted.

II. A distinction should be drawn between cases in which the sentence or order requires to be altered, and cases in which irregularities of procedure have occurred which do not necessitate any alteration of the sentence or order. The former must in all cases be submitted to the High Court, because no other Court is competent to alter a sentence or order otherwise than on appeal. In the latter class of cases it is discretionary with the Sessions Judge or District Magistrate to refer the proceedings to the High Court for orders.

III. It is not every irregularity of procedure that requires to be reported to the High Court for a formal order on the revision side. Where a similar irregularity has been reported before and disposed of by an order of the High Court, or where the irregularity is trifling and the accused has not been prejudiced, or where there has been no failure of justice on account of irregularity the Sessions Judge or District Magistrate is authorised to point out the irregularity to the Court concerned in order to prevent its recurrence and need only forward the proceedings to the High Court if there are any special grounds for so doing.

IV. Cases should be reported for revision in the prescribed form, and printed copies of the form should be used for the purpose.

V. All petitions for revision presented to Sessions Judges and District Magistrates by prisoners in jail, through the jail authorities should be forwarded to the High Court for disposal. In no other case should petitions for revision be submitted to the High Court unless a *prima facie* case for the Court's interference is made out, in which case records should be submitted and the case reported for revision in the manner prescribed by these rules.

VI. With reference to section 439 (5) Criminal Procedure Code, the Deputy Registrar will not receive any petition for revision of an order of acquittal unless it is accompanied by a copy of an order of the Judicial Minister, His Highness' Government, refusing to allow an appeal under section 417, Criminal Procedure Code,

VII. As regards petitions under section 437 and section 439 Criminal Procedure Code, the Deputy Registrar will not receive petitions for revision of orders of original Courts in non-appealable cases, unless the applicant files with his petition a copy of the order of the Sessions Judge or District Magistrate, as the case may be, to show that he has applied to one or the other and his petition has been refused; and also a certified copy of the grounds of revision preferred. The Sessions Judge or District Magistrate can release a prisoner on bail or suspend a sentence pending a reference to his Court.

VIII. In appealable cases every petition, other than a petition forwarded by a Superintendent of a jail, presented to the High Court for revision of the order of a subordinate Court of Appeal under section 439, Criminal Procedure Code, shall be refused by the Deputy Registrar unless it be accompanied by a certified copy of the grounds of appeal taken in the Lower Appellate Court.

CHAPTER III.

ORIGINAL CIVIL JURISDICTION.

(A) *Evidence.*

I When, at the first or at any subsequent hearing of a suit, any party appearing in person or present in Court, or any person able to answer any material questions relating to the suit by whom such party or his advocate is accompanied, is examined by the Court, the substance of such examination shall be reduced to writing by the Judge or at his dictation and shall form part of the record.

II. The substance of what each witness deposes shall be reduced to writing by the Judge, and shall form part of the record: provided that the Judge may, if he thinks proper, direct the evidence to be recorded by an officer of the Court.

III. If the Judge who has recorded evidence or caused it to be recorded in his presence, under these rules, dies or ceases to be attached to the Court before the conclusion of the suit, the Judge before whom the suit is continued may, if he thinks fit, deal with the evidence so recorded as if it had been recorded by himself or in his presence.

(B) Judgments and Orders.

IV. Judgments may be written by the Judge in English or delivered orally, and in the latter case a note thereof in writing in the English language, or shorthand, shall be taken by an officer of the Court in attendance for the purpose. On a memorandum of appeal being filed or if the Judge shall so direct, the note so taken shall be written out in full by the officer by whom it was taken; and shall be submitted by him to the Judge for correction. If it be returned by the Judge without correction, it shall be filed as the official note of the judgment; and if corrected by the Judge it shall be filed, as corrected, as the judgment of the Court.

V. The judgment shall contain a concise statement of the case, the points for determination, the decision thereon and the reasons for such decision. When issues have been framed, the finding or decision of the Court upon each separate issue shall be stated, with the reason therefor, unless the finding upon any one or more of the issues be sufficient for the decision of the suit.

VI. (a) Judgment shall be delivered in open Court, either at the close of the case or on some future day, of which due notice shall be given to the parties or their counsel.

(b) In Division and Full Bench cases the judgment of the Court will, ordinarily, be delivered by the Senior Judge of the Bench which heard the case.

VII. When a case has been heard by a Bench of the Court, the written opinions of the Judges who heard the case, but who have ceased to be attached to the Court before delivery of judgment, shall, unless delivered by another Judge of the Bench which heard the case, be deemed to be minutes merely and not judgments.

VIII. When a party to the suit dies after the last hearing, but before delivery of judgment, the Court may order the judgment to bear the date of the last hearing.

IX. A memorandum of appeal in a case in which judgment has been delivered orally, shall be received and filed without a copy of the judgment.

X. When an order is made in Court or in Chambers, a note of its purport shall be made and signed by the Judge or Judges

making the order ; and if the order disposes of a petition, the reasons for making it shall be stated.

XI. When a suit is allowed to be withdrawn with leave to bring a fresh suit, the order shall be drawn up so as to make the payment of the costs of the first suit a condition precedent to the plaintiff bringing a fresh suit, unless the Court or the Judge who gave permission shall otherwise direct.

XII. Vakils and pleaders may not appear on the original civil side of the High Court of Judicature. Advocates alone shall be granted audience.

CHAPTER IV.

APPELLATE CIVIL JURISDICTION.

(A) Judgments and Orders.

I. Judgments may be written by the Judge in English or delivered orally, and in the latter case a note thereof in writing in the English language, or shorthand, shall be taken by an officer of the Court in attendance for the purpose. On a memorandum of appeal being filed, or if the Judge shall so direct, the note so taken shall be written out in full by the officer by whom it was taken, and shall be submitted by him to the Judge for correction. If it be returned by the Judge without correction it shall be filed as the official note of the judgment ; and, if corrected by the Judge, it shall be filed as corrected, at the Judgment of the Court.

II. (a) Judgment shall be delivered in open Court, either at the close of the case or on some future day, of which due notice shall be given to the parties or their counsel.

(b) In Division and Full Bench cases the judgment of the Court will ordinarily be delivered by the Senior Judge of the Bench which heard the case.

III. When an appeal has been heard by a Bench of the Court, the written opinions of the Judges who heard the appeal, but have ceased to be attached to the Court before delivery of judgment, shall, unless delivered by another Judge of the Bench which heard the appeal, be deemed to be minutes merely and not judgments.

IV. When a party to the appeal dies after the last hearing, but before delivery of judgment, the Court may order the judgment to bear the date of the last hearing.

V. When an appeal is heard by a Bench consisting of two Judges and the Judges composing the Bench differ on a point of law and refer the appeal under section 98 of the Code of Civil Procedure, the Judges so differing shall each record his judgment on the appeal, and the appeal shall thereupon be laid before the Chief Justice, who shall direct to which other Judge or other Judges the appeal shall be referred. The Chief Justice may be such other Judge or one of such other Judges.

(B) *Appellate Decrees.*

VI. The decree of the High Court shall be drawn up in English, and shall bear the same date as the judgment.

VII. (i) The decree shall contain the number of the appeal, the names and description of the appellant and respondent, the names of the plaintiff and defendant in the suit, and the description of the Court from whose decree or order the appeal is preferred, with the date of such decree or order; and shall clearly state the relief granted or other determination of the appeal, in such manner as not to render reference to other documents necessary, except the decrees of the Courts below, when those decrees are affirmed or varied, but not reversed.

NOTE.—In all *important* cases the Deputy Registrar will, if this can be done without undue delay or inconvenience, obtain the signature of counsel to the draft decree.

(ii) The decree shall also state the amount of costs incurred in the appeal, and by what parties and in what proportions the same, and the costs incurred in the Courts below, shall be paid.

(iii) In pauper appeals the provisions of Order XXXIII, Rule 10 of the Code of Civil Procedure shall be observed.

The heading of the decree should run—

“Appeal in forma pauperis by”—

In the body should be inserted—

“The following Court-fee costs are recoverable by Government as a first charge upon the subject-matter, under Order XXXIII, Rule 10 of the Code of Civil Procedure.”

VIII. The decree shall be signed by the Registrar, after he has satisfied himself that it is in accordance with the judgment and satisfies the requirements of these rules.

IX. No decree shall be drawn up in cases in which the decision of the lower Court is confirmed under Order XLI, Rule 11 of the Code of Civil Procedure.

X. When a copy of a decree is forwarded to a lower Court under Order XLI, Rule 37 of the Code of Civil Procedure, it shall be accompanied by a translation thereof in Urdu, except when the language of the parties is English, or the Judge of the lower Court is acquainted with that language. The translation shall be signed by the person who makes it, and shall be certified by him and shall be countersigned by the Deputy Registrar.

XI. (i) When the draft of any decree or order has been ordered to be settled in the presence of the parties, or when none of the Judges who concurred in the judgment continues attached to the Court and the Registrar thinks it necessary that it should be so settled, the Registrar shall, by notice in writing, which shall be accompanied by copies of the draft prepared for approval, appoint a time for settling the same, and the parties or their Counsel must attend such appointment and produce before the Registrar such documents as may be necessary to enable him to settle the draft. The notice will be sent from the Registrar's office to Counsel, if any, of the parties, with a receipt book, in which shall be obtained the signature of person with whom the notice is left.

(ii) The notice shall be served on the parties who have appeared in person by the party who has the carriage of the decree or order. When so served, the original notice, with a memorandum endorsed thereon of the service of a copy thereof, signed by the party by whom such service was made, must be delivered to the Registrar who may, if not satisfied that service has been duly made, require such service to be verified by affidavit.

XII. If any party fails to attend the Registrar's appointment for settling the draft of a decree or order, or fails to produce any documents called for by the Registrar, the Registrar may proceed to settle such draft in his absence, or without the production of the documents aforesaid, or may mention the matter to the Court.

XIII. The Registrar may adjourn any appointment for settling the draft of any decree or order to such time as he may think fit, and the parties who attend the appointment shall be bound to attend the adjourned appointment without further notice.

XIV. If any party is dis-satisfied with any decree or order as settled by the Registrar, and intends to mention the matter to the Court, the Registrar, if informed of such intention, shall not proceed to complete the decree without allowing such party sufficient time to apply to the Court. The application must be made by motion, or notice to the parties who appeared at the hearing.

XV. When a variation is made by the Court in a draft settled by the Registrar, such variation shall be embodied in the decree or order, and, except when the costs of the application are ordered to be paid, no fresh order need be drawn up.

CHAPTER V.

THE PRESENTATION AND RECEPTION OF APPEALS AND APPLICATIONS FOR REVIEW AND REVISION.

I. Every memorandum of appeal, and every application for the review of a decree or order or for revision shall be written in the English or Urdu language on the form prescribed by the Court for the purpose and shall be headed "In the High Court of Judicature, Jammu and Kashmir State." It shall be signed by the appellant or applicant or by some Advocate or Vakil on the rolls of the Court on his behalf.

II. Every memorandum of appeal from, and every application for revision of, an appellate decree shall be accompanied by a certified copy of the grounds of appeal taken in the Lower Appellate Court when in such memorandum or application it is objected that the Lower Appellate Court did not duly dispose of the grounds of appeal.

III. Every memorandum of appeal or application shall specify the section of the enactment under which the appeal or application lies, and the Deputy Registrar is authorised to refuse to receive any memorandum of appeal or application which does not comply with this rule.

IV. The Registrar may return for amendment within a time to be fixed by him any memorandum of appeal for the reason specified in Order XLI, Rule 3 of the Code of Civil Procedure.

V. A petition to the High Court to exercise the powers conferred by section 115 of the Civil Procedure Code shall specify the particular ground on which the aid of the High Court is invoked :—

- (a) if the ground be that the Court which decided the case exercised a jurisdiction not vested in it by law, the petition shall set out clearly the particular exercise of jurisdiction complained of;
- (b) if it be that the Court which decided the case failed to exercise a jurisdiction so vested, the jurisdiction which ought, in the petitioner's opinion, to have, and has not, been exercised, shall be clearly set out;
- (c) if it be that the Court acted in the exercise of its jurisdiction with material irregularity, the particular irregularity or irregularities complained of shall be similarly set out.

VI. Every such petition shall be stamped as required by law and shall be accompanied by a copy of the decree or order in respect of which such application is made and by a copy of the judgment upon which such decree or order is founded.

VII. A petition to exercise the power conferred by section 24 of the Small Cause Court Regulation, drawn or supported as described in rules VI and VII shall specify in what particular the decree or order of the Small Cause Court is not according to law.

VIII. The Deputy Registrar is hereby authorised to return for amendment, within a time to be specified in an order to be recorded by him on the petition, any petition not drawn up in conformity with the foregoing directions.

IX. Every application for review of a judgment or order of a Division Bench, or of a Single Bench of the High Court presented by an Advocate or Vakil shall be signed by him, and he shall certify that the grounds contained therein are good and sufficient grounds for the review sought. No Advocate or Vakil shall be heard in support of an application for review of any such judgment or order unless and until he has certified in the manner above prescribed, the grounds already taken or any amended grounds of application.

X. The Registrar shall not permit any petition, memorandum of appeal or other document which ought to bear a stamp under the Court Fees Regulation 1977, to be received in the Court until it is properly stamped.

NOTE. (a) The High Court has been pleased to declare that the Registrar of the High Court shall be the taxing officer within the meaning of section 5 of the Regulation.

NOTE. (b) Attention is drawn to the stringent provisions of sections 4 and 28 of the Regulation and it must be understood in connection with section 5 of the Limitation Regulation that an improperly stamped document even though received, filed or used in the Court remains invalid unless it is proved to the satisfaction of a Judge of the Court that it was received, filed or used through mistake or inadvertence.

NOTE. (c) The High Court has been pleased to delegate to the Deputy Registrar of the High Court the duty of examining and impounding under section 33 (2) (b) of the Stamp Regulation, 1977, any instrument not duly stamped.

CHAPTER VI.

THE MAKING AND FILING OF AFFIDAVITS IN THE HIGH COURT.

I. Affidavits intended to be presented in the High Court in support of any memorandum of appeal, cross-objection on appeal, application for review or petition for revision or any other application or petition under the Code of Civil Procedure shall be drawn up and attested in the manner prescribed for the Civil Courts of the Jammu and Kashmir State by the rules made by the Court in that behalf, and be declared before some Court or Magistrate or officer appointed to administer the oath to the deponent.

II. When a memorandum of appeal, cross-objection on appeal, application for review or petition for revision or any other application or petition presented in a suit or appeal under the Code of Civil Procedure, or in a proceeding to which section 141 of the Code applies, contains an assertion of any fact or facts contrary to or outside the record, or not supported by evidence already on the record, such assertion shall be supported by one or more affidavits.

III. Such affidavit shall ordinarily be presented with the memorandum of appeal, cross-objection, application or petition.

IV. Any ground contained in any such memorandum of appeal, cross-objection, application, or petition containing an

assertion of fact not supported by affidavit may on the hearing thereof be ordered, by the Judge or Bench, to be struck out or amended summarily, unless leave be granted to present an affidavit in support thereof.

V. Facts asserted by a party showing cause against any appeal, application or petition supported by affidavit shall likewise be supported by affidavit, whether the facts asserted be in contradiction of the facts asserted in support of the same or be fresh matter. Such affidavit may be presented before the date fixed for the hearing of the appeal, application or petition or on such date before or at the hearing.

VI. When upon any application any evidence is to be given, such evidence shall ordinarily be given by affidavit as provided in Order XIX, Rule 2 of the Code of Civil Procedure, and not otherwise, unless by an order of a Judge or Bench.

Explanation.—Evidence given in support of any of the following or similar applications should be given by affidavit unless otherwise ordered :—

- (a) application to admit an appeal or application which is *prima facie* barred by time ;
- (b) applications to add parties or to substitute representatives of parties ;
- (c) applications to re-admit an appeal or application which has been dismissed for default or to re-hear an appeal heard in the absence of the respondent ;
- (d) applications to transfer or withdraw a suit or appeal ;
- (e) applications to stay execution of decree for, or security for, costs ;
- (f) applications for leave to appeal *in forma pauperis*.

VII. Affidavits intended to be used in any proceeding before the High Court may be presented, unless otherwise directed, to the Judge or Bench at the time when the proceeding is called on, or before such time to the Registrar, or the Deputy Registrar, who shall thereupon file them with the proceeding after noting thereon the date of presentation.

NOTE.—Under the provisions of section 139, clause (b), of the Code of Civil Procedure, the following officers will usually be appointed to administer the oath to the deponent in the case of any affidavit under the said Code :—

- (1) the Registrar for the time being ;
- (2) the Deputy Registrar for the time being ;
- (3) any head clerk specially appointed for the purpose by the Chief Justice.

In case of any change of incumbency, the name of the new officer shall be reported to the Chief Justice for appointment.

CHAPTER VII.

THE RECEPTION OF PAUPER APPEALS.

I. An application for leave to appeal as a pauper shall not be received by the Deputy Registrar unless it is accompanied by a memorandum of appeal, nor a memorandum of appeal purporting to be on behalf of a pauper unless it is accompanied by an application for leave to appeal as a pauper.

II. No such application or memorandum shall be received by the Deputy Registrar from any person other than the alleged pauper, unless it appears, on the face of the application, that the alleged pauper is a person who is exempt, under section 132 or section 133 of the Code of Civil Procedure, from personal appearance in Court.

III. In the latter case the application or memorandum shall not be received if presented by any person other than an agent duly authorised, who is in a position to answer all material questions relating to the application, and who is willing to be examined in the same manner as the party represented by him might have been examined had such party attended in person.

IV. Every such application presented by an agent shall state on the face thereof, that the plaintiff is a person exempted from personal appearance in Court under the provisions of section 132 or section 133 of the Code of Civil Procedure, and shall not be received by the Deputy Registrar unless it contains such statement.

V. When an application or memorandum of appeal is one that the Deputy Registrar cannot receive under the foregoing directions, he shall record or cause to be recorded thereon, the name of the person presenting such application or memorandum the date of its presentation, and an order returning the same for due presentation with the reason for such order, and shall sign and date such order with his own hand.

 CHAPTER VIII.

APPLICATIONS UNDER ORDER XXII, CODE OF CIVIL PROCEDURE.

(i) *General Rules as to Suits and Appeals.*

I. Every application

(a) under Order XXII, Rule 3 (1) or 3 (2) of the Code of Civil Procedure, by a person claiming to be legal representative of deceased plaintiff or appellant to enter his name on the record in place of the deceased party;

(b) under Order XXII, Rule 4 of the Code of Civil Procedure, to make the legal representative of a deceased defendant or respondent a party to the record in place of the deceased;

(c) under the second clause of Order XXII, Rule 3 (2) of the Code of Civil Procedure by a defendant or respondent;

shall, in addition to any particulars required by law, state approximately the date of the death of the deceased party.

II. Every application under XXII, Rule 9 of the Code of Civil Procedure, by a person claiming to be the legal representative of a deceased or bankrupt insolvent plaintiff or appellant, for an order to set aside an order of abatement or dismissal, shall state the cause which prevented him from continuing the suit or appeal.

III. Every application of the kind specified in Rules I and II of these rules and every application under Order XXII, Rule 10 of the Code of Civil Procedure, to make the petitioner or some other person an additional or substituted party in a suit or appeal, shall as to the allegations of fact contained in such application, be verified by affidavit.

IV. Every application under Order XXII of the Code of Civil Procedure shall ordinarily be presented to Deputy Registrar, who shall cause the date of presentation to be entered thereon.

V. The Deputy Registrar shall examine the application and if it does not satisfy the requirements of the Code or of these rules in that behalf, may return it to the person presenting it, for amendment and representation with a time to be noted on such application under his signature, or may refer the application to a Judge of the Court for orders.

VI. Any such application may be presented to a Judge or to a Bench (as the case may be) on the date fixed for hearing a suit or appeal, but unless sufficient cause be shown for the application not having been presented in the ordinary course to the Deputy Registrar, before such hearing, the applicant will become liable to pay the costs of any adjournment or postponement caused by the omission to present the application to the Deputy Registrar,

VII. When an application to place the legal representative of a deceased party or the name of an additional or substituted party on the record is granted by a Judge or Bench (as the case may be), the Deputy Registrar shall cause a formal order to the proper effect to be drawn up for signature by the Judge or Bench, and shall be responsible that the record of the proceedings in the High Court is amended in conformity with such order.

VIII. Every person admitted on the record as the legal representative of a deceased plaintiff or deceased defendant, shall be described as "*the legal representative of A. B. deceased plaintiff*" (or defendant appellant or respondent as the case may be); and, similarly, of an insolvent or bankrupt plaintiff.

(ii) *Special Rules as to Suits.*

IX. Applications under Order XXII of the Code of Civil Procedure, in original suits, when presented to the Deputy Registrar, shall, subject to Rule V of these rules, be laid by him for orders before a Judge who shall ordinarily be the Judge before whom the suit to which it relates is pending.

(iii) *Special Rules as to Appeals.*

X. When an application of the kinds specified in Rule I and Rule II of these rules is presented to the Deputy Registrar in relation to an appeal pending before the Court, and is deemed by him sufficient, without or after amendment, and the Deputy Registrar does not deem it necessary to refer the application for the order of a Judge, he is hereby authorised to make an order granting the application "*subject to all just exceptions and to confirmation by the Court,*" and to cause the necessary notices to be issued to the parties concerned to show cause on the date fixed for hearing the appeal.

XI. Every application under Order XXII of the Code of Civil Procedure, not falling within Rule X of these rules or not granted under that rule, shall be laid before a Judge for orders.

(iv) *Rule as to applications for Review and Revision.*

XII. The foregoing rules shall apply, so far as may be, to applications under Order XXII of the Code of Civil Procedure in relation to proceedings in review of judgment according as the proceeding is in an original suit or appeal, and to proceedings in revision.

(v) *Rule as to proceedings other than Suits and Appeals.*

XIII. The foregoing rules shall apply to all proceedings of a civil nature, other than suits or appeals, to which Order XXII of the Code of Civil Procedure is applicable.

CHAPTER IX.

THE REPRESENTATION OF MINORS AND PERSONS OF UNSOUND MIND.

(i) *General Rules for Suits and Appeals.*

I. Whenever a Judge or Bench sees cause to appoint a next friend for a minor plaintiff or appellant or a guardian for the suit or appeal for a minor defendant or respondent, an order in the form annexed, or to the like effect, shall be prepared by the Deputy Registrar, for signature by the Judge or Bench making the appointment, and shall after signature, be filed with the record

II. The Deputy Registrar is hereby authorised to cause the title of the suit or appeal to be corrected accordingly.

(ii) *Special Rules for Appeal.*

III. In every appeal presented to the Deputy Registrar in which it appears from the memorandum of appeal or the copies of the judgments filed therewith, that the appellant or respondent or any of the appellants or respondents is a minor, the Deputy Registrar shall cause a note to be made on such appeal for the information and orders of the Judge or Bench exercising jurisdiction in the appeal.

IV. No notice in relation to an appeal shall be issued to any respondent who, from the memorandum of appeal or the proceedings of the lower Courts, appears to be a minor, unless and until a guardian for such minor has been appointed by an order of Court or unless the issue of such notice be authorised by the special order of the Judge.

(iii) *Rule as to applications for Review and Revision.*

V. The foregoing rules shall apply, so far as may be, to proceedings in review of judgment or in revision.

(iv) *Rule as to proceedings other than Suits or Appeals.*

VI. The foregoing rules shall apply, so far as may be, to proceedings of a civil nature other than suits or appeals, to which Order XXXII of the Code of Civil Procedure is applicable.

(v) *Rule as to representation of persons of unsound mind.*

VII. The foregoing rules relating to the representation of minors shall apply, *mutatis mutandis*, to the representation of persons of unsound mind, adjudged to be so under Regulation XXV of 1977, or under any other law for the time being in force.

(vi) *General Rules.*

VIII. The foregoing rules are subject to the enactment contained in Order XXXII, Rule 16 of the Code of Civil Procedure.

IX. Nothing in the foregoing rules shall be deemed to require that any order made thereunder shall be made or signed by more than one Judge of the Court.

Forms mentioned in Rule I.

(1) Let C. D. be appointed next friend of the minor A. B. by whom he may prosecute this suit (or appeal).

(2) Let C. D. be appointed guardian of the minor A. B. by whom he may defend this suit (or appeal).

CHAPTER X.

RULES UNDER THE JAMMU AND KASHMIR PRESS AND PUBLICATIONS REGULATION.

I. These rules shall apply to all applications made to, and all proceedings taken in the High Court of Judicature of Jammu and Kashmir State, under the Press and Publications Regulation 1989, hereinafter referred to as "The Regulation".

II. Every application to the High Court under section 21 of the Regulation; to set aside an order of forfeiture shall be made by the presentation of a petition which shall be signed by the applicant, and verified at the foot by the affidavit of the applicant.

III. The petition shall be witten in the English or Urdu language on foolscap paper or other paper similar to it in size and quality, bookwise and divided into paragraphs numbered consecutively. Dates and sums mentioned in the petition shall be expressed in figures.

IV. The petition shall be headed—

“In the High Court of Judicature of Jammu and Kashmir State”.

“In its special Bench constituted under Press and Publications Regulation 1989, and shall be intituled “In the matter of the (name, if any) Printing Press,” or “the (name, or description) book, document” or “newspaper” as the case may be.

V. The petition shall state what the interest of the applicant is in the property in respect of which the order of forfeiture has been made and all documents and copies thereof in proof of such interest, together with a copy of the notice of forfeiture, shall be annexed as exhibits to the petition.

VI. The petition shall state the ground or grounds on which it is sought to set aside the order of forfeiture.

VII. The petition with exhibits annexed thereto together with a copy of such petition and exhibits shall be presented to the *Registrar*, who will constitute a special Bench composed of three Judges and appoint a day for the hearing and determination of the application under the orders of the Chief Justice.

VIII. The Registrar shall forthwith give notice of the filing of the application to the Government Advocate and shall request him to obtain from Government and to furnish to the Court, as soon as possible, a copy of the particular newspaper, book or other document containing the words, signs or visible representations on which the declaration of forfeiture was based.

IX. Notice in writing of the day appointed for the hearing and determination of the application shall be given by the Deputy Registrar to the Political Secretary to Government, and the copy of the petition and exhibits if any, mentioned in rule 7 shall accompany such notice.

X. The table of fees now in force in this Court shall be applicable to all applications under the Regulation and proceedings thereon and costs payable in respect of such applications and

proceedings shall be taxed, when so directed, by the Taxing Officer of this Court.

XI. Every summons and warrant of arrest issued by the Court shall be in writing in duplicate, signed and sealed by the Deputy Registrar of the Court and shall ordinarily be sent to the District Magistrate within the local limits of whose jurisdiction the summons is to be served or the warrant executed.

XII The provisions of the Code of Civil Procedure and the Rules and Orders relating to the execution of decrees and orders shall be applicable to the execution of orders passed by the High Court on applications under the Regulation.

CHAPTER XI.

RULES UNDER THE LEGAL PRACTITIONERS' REGULATION.

(i) Admission, enrolment, suspension and dismissal of Pleaders.

I. Pleaders in the Courts subordinate to the High Court of Judicature, shall henceforth be of one grade, who may appear, plead and act in all Courts, Civil and Criminal, subordinate to the High Court and in all Revenue Courts and offices, subordinate to the Revenue Minister, subject to the rules in force for the time being.

II. All persons admitted as Pleaders of the 1st grade or of the 2nd grade, by this Court or the former High Court under the rules hitherto in force, shall be deemed to have been admitted as Pleaders under these rules.

III. Persons, who are State-subjects of the 1st or 2nd class and are Barristers or Graduates in Law of any recognised University or have passed the pleadership examination under the rules hitherto in force, shall, with the permission of the High Court and upon proof of good character, be admitted as Pleaders.

Provided that the High Court may grant a certificate of pleadership to a retired Government officer, not below the rank of a Tehsildar or Munsiff, if he is a State-subject of the 1st or 2nd class.

IV. (i) Application for admission as a Pleader shall be made by petition to the High Court of Judicature and shall be

presented by the applicant in person or by an Advocate or Vakil practising in the High Court. The petitioner shall state in the petition the following particulars:—

(a) that he is a State-subject of the 1st or the 2nd class;

(b) the nature of qualifications ;

(c) that it is the applicant's intention to practise within the jurisdiction of the High Court of Judicature and the Wazarat which he proposes to make his ordinary place of business. The petition shall be dated and signed by the applicant.

(ii) The petition shall be accompanied by evidence of the applicant's being a State-subject of the 1st or the 2nd class and of the qualifications required and the fees fixed by the rules for the time being in force. If the applicant holds an appointment under the Government or carries on any trade or other business at the time of his application, the fact shall be stated in the petition.

(iii) The petition shall be considered by the High Court of Judicature, and if it be granted, a certificate in the form annexed to these rules (Appendix A) shall be given to the applicant on his furnishing the requisite stamp paper and a declaration in writing, stating the Civil and the Criminal Courts, which he desires to be specified therein.

Provided that, if the certificate be not taken out within the year, in which the applicant is admitted, it shall not be issued without a special order of the High Court of Judicature.

V. (i) Every application for enrolment as a Pleader under the provisions of section 8 of the Legal Practitioners' Regulation, shall be made by petition to the Court, in which the applicant desires to be enrolled. The application shall be accompanied by the certificate referred to in Section 7 of the Regulation, and shall be presented by the applicant in person, or by an Advocate, or Vakil or Pleader practising in the Court.

(ii) If it appears from the certificate that the applicant is entitled to be enroled, the Court shall enter his name in a register of Pleaders to be maintained in the form hereinafter prescribed and endorse on his certificate a memorandum in the form II given below in rule XI.

VI. (i) Every application for renewal of a certificate shall be made by a petition to the Registrar, High Court of Judicature, or to the District and Sessions Judge of the Province, in which the applicant ordinarily practises, at least two weeks before the expiry of the certificate, and shall be accompanied by the expiring certificate and a declaration in writing, stating his ordinary place of business as well as the Civil or the Criminal Courts, which he desires to be specified therein.

(ii) On the requisite stamp being supplied a renewed certificate will be prepared and issued by the Registrar, High Court of Judicature. On the renewed certificate will be endorsed the memoranda of enrolment recorded on the expiring certificate and the endorsement will be signed by the Registrar, High Court of Judicature.

VII. Every Pleader who desires, not to renew his certificate shall before it expires, inform the Registrar, High Court of Judicature of his intention and the reasons for the same. If no such information is furnished and the certificate is not renewed for three consecutive years, he shall not be entitled to have it renewed without a further order of the High Court of Judicature, which may, if it thinks fit, require payment of the renewal fees for the entire period, during which the certificate has not been renewed.

If the information is furnished at the proper time, the certificate may be renewed on application under the foregoing rules, on payment of the usual fees.

VIII. When a Pleader accepts any appointment under the Government or in a limited liability or other company or engages in any trade or business, he shall forthwith give notice thereof to the Registrar, High Court of Judicature and the High Court of Judicature may suspend his certificate or pass such order as the Court may think fit

IX. Every certificate whether original or renewed issued under these rules, shall be written upon a stamped paper of the value of Rs 25

NOTE.—Certificate for the last six months of the Samvat year or for any portion thereof shall be written upon stamp paper of half the value prescribed therefor.

X. A fee of Rs. 5 shall be payable by every person admitted by the High Court to be a Pleader under these rules.

XI. A register in the form I given below shall be maintained in the Court of

Civil Courts –

- (a) District Judge (for all courts situated at the head-quarters of districts);
- (b) Courts of Small Causes ;
- (c) Munsiffs located at Tehsils, other than Tehsils at the head-quarters of districts.

Criminal Courts –

- (a) Sessions Judge ;
- (b) District Magistrates (for all Courts situated in the district.

The name of every Pleader, enrolled in any of the Courts specified in the preceding clauses of this rule, shall be entered in the register of the Court or Courts, in which such Pleader shall practise together with all necessary particulars concerning him provided in the various columns of the register.

I.—FORM OF REGISTER.

1	2	3	4
Name.	Date of admission by the High Court of Judicature.	Date of enrolment.	The class of State-subject to which the applicant belongs (for new entrants only).

II.—FORM OF MEMORANDUM OF ENROLMENT.

Certified that
in the Court of the

of

has this day been enrolled
as a

(Signed A. B.)

Initials of

Judge of the Court.

XII. His Highness the Maharaja Bahadur reserves to himself the right of exempting persons, on the special merits of the case, which will of course be exceptional from the operation of the rules.

XIII. Vakils or Advocates from the Punjab or British India, who have not taken out a licence for practising in the State, shall not be allowed to appear except when they have paid a fee of Rs. 25 for a single case, in each Court. For appearance on the original side of the High Court by such Advocates a fee of Rs. 50 shall be charged.

"Provided that the Chief Justice of the High Court of Jammu and Kashmir may exempt any Vakil or Advocate from the Punjab or British India from payment of such a fee in any particular case for reasons to be recorded in writing.

Provided further that the Chief Justice may for reasons to be recorded in writing, permit pleaders enrolled in any of the Courts of British India to appear and plead in any of the Courts of the State subordinate to the High Court under such conditions as to payment of fee and other matters as he may see fit to impose in every case.

XIV. An enquiry under section 13 of the Legal Practitioners' Regulation into the conduct of a Pleader holding a certificate under section 7 thereof may be instituted in pursuance of a written order of the High Court of Judicature made.—

(a) upon an application to the High Court of Judicature for that purpose,

(b) of its own motion, by reason of any matter coming to its knowledge.

XV. An order made under rule 14 may direct that the inquiry be held:—

(a) before the High Court of Judicature itself;

or

(b) before some person appointed by the Court to hold the same and report to the Court.

XVI. Every application to the High Court for an inquiry under section 13 of the said Regulation shall be in writing and shall contain a brief and distinct statement of the facts, upon which the applicant imputes misconduct, and shall be signed by the applicant. Unless the application be made by a Judicial or a Revenue officer as such, or on behalf of His Highness, the statement shall be supported by one or more affidavits to the truth of the facts, set out therein.

XVII. Before making an order under rule 14, the Court may, if it thinks fit, issue notice to the person charged to show cause against an order being made, on the ground that the matter imputed, if true, does not constitute, fraudulent or grossly improper conduct in the discharge of his professional duty, or is not a reasonable cause for suspension or dismissal. The notice issued shall be accompanied by a copy of the application made, or by a statement under the signature of the Registrar, of the matter, which has come to the knowledge of the Court, and shall appoint a day for cause to be shown before the Court.

XVIII. If it be ordered that an enquiry be held before the High Court, a statement of the charge to be enquired into shall be prepared and sent by the Registrar to the person charged, together with a notice intimating that, on a day to be therein appointed, such charge will be taken into consideration by the Court. Such statement and notice shall be served upon the Pleader at least fifteen days before the day so appointed and on such day, or any subsequent day to which the enquiry may be postponed or adjourned. The Court shall receive all evidence properly tendered by or on behalf of the party preferring the charge, and by the Pleader and thereafter shall pass such orders as it may consider just.

XIX. Provided that when the matter charged is not fraudulent or grossly improper conduct in the discharge of professional duty, the notice issued under the last rule may, if the Court so directs permit the person charged to answer, in the first instance, by his own affidavit to be filed within a time appointed in the notice, and the notice shall be accompanied by the copy or the statement as the case may be, mentioned in rule 17, if not already furnished, and by copies of the affidavits, if any, in support of the application. If the person charged omits or declines to answer the charge by his own affidavit the inquiry shall be held in the manner provided in rule 18. If the person charged answers by affidavit, the Court may pass such further orders, as it thinks fit.

XX. In an enquiry held before a person appointed for that purpose by the Court, the procedure prescribed in rule 18 shall be followed, as far as may be, with such modifications and additions as the Court may, by special order, direct.

XXI. In any enquiry ordered under rule 14, if the Court so permits or directs the evidence may be given in whole or in part by affidavit, but the Court may order the attendance, for cross examination, of any declarant before itself or the person holding the enquiry, as the case may be.

XXII. When a Pleader has been convicted of such an offence as is described in section 12 of the Legal Practitioners' Regulation or been reported to the High Court under section 14 of the said Regulation with a view to his suspension or dismissal, or been acquitted under section 14 of the said Regulation, otherwise than by an order of the High Court, the High Court, if it proposes to suspend or dismiss the Pleader under section 12, section 14 or section 15 of the said Regulation, shall appoint a day of which such notice as the Court thinks reasonable shall be given, under the signature of the Registrar, to the Pleader, to show cause, in writing or otherwise before the Court against an order of suspension or dismissal.

XXIII. The High Court may, if it thinks fit permit or direct evidence to be given by affidavit in any proceeding under the preceding rule.

XXIV. The rules for the time being in force as to affidavits in the High Court, under the Code of Civil Procedure, shall be applicable, so far as may be, to affidavits and proceedings in the High Court under these rules.

XXV. The time appointed for any act to be done in any proceeding in the High Court under these rules, may from time to time be enlarged by order of the Court.

XXI. In all enquiries under section 13 or section 14 of the said Regulation the conduct of the case against the person charged shall ordinarily rest with the person, if any, preferring the charge, but it may be entrusted at any time, by order of the Court, which directed or which is holding the inquiry, to any person appointed by such Court for that purpose.

XXVII. In all enquiries under section 13 or section 14 of the said Regulation, the substance of any oral statement of facts

made in answer to the charge, by the person charged, shall be recorded by the Court or person holding the inquiry and if the person charged tenders a written defence signed by itself, it shall be received and placed with the record.

XXVIII. In all enquiries under section 13 or section 14 of the said Regulation, the person charged may offer himself as a witness in his own behalf, and may thereupon be sworn or affirmed and examined in the same manner as any other witness; but he shall not be called as a witness, or examined upon oath or affirmation except at his own request or with his express consent.

XXIX. Any order of suspension or dismissal made or confirmed by the High Court may, if sufficient cause appears be reconsidered and cancelled or the sentence reduced by order of the same Court.

XXX. Every order of the High Court by which a Pleader is suspended or dismissed shall be notified by the Registrar in the Jammu and Kashmir Government Gazette.

(ii) Rules made by the High Court of Judicature with the sanction of His Highness the Maharaja Bahadur under the power conferred by para. 19 (b) of the Constitution (Order No. 1, dated 26th March 1928) for the qualification and admission of proper persons to be Advocates and Vakils of the High Court of Judicature.

Advocates.

XXXI. All persons admitted and enrolled as Advocates of the former High Court under the rules hitherto in force on intimating to the Registrar in writing their desire to be admitted and enrolled as Advocates of the High Court of Judicature, may be admitted and enrolled accordingly.

XXXII. (i) Any person, who is entitled to practise as Barrister in England or Ireland or as an Advocate in Scotland may be admitted to the roll of Advocates of the High Court.

(ii) Any person, who is a Graduate in Laws of any recognised University and who has practised as a Vakil or Advocate in High Court or Chief Court in British India or in this State, for not less than three years, may at the discretion of the High Court of Judicature be admitted to the roll of Advocates of the Court:

Provided in both cases (i) and (ii) the applicant, if not already enrolled in the State under the old rules, is a State-subject of the 1st or the 2nd class.

XXXIII. The admission of an Advocate shall be regarded as an administrative function of the Court. The application shall be made by a letter requesting the Judges of the High Court to admit the applicant.

XXXIV. The letter shall be addressed to the Registrar and shall state :—

- (i) the applicant's class of State-subjects, his qualifications and his previous occupation and career, setting forth fully and particularly any incidents in it which might possibly affect the decision on his application ;
- (ii) that it is his intention, if admitted to practise in the High Court or in the Courts subordinate thereto ;
- (iii) whether or not he has been enrolled as an Advocate of any other High Court or Courts and if he has been so enrolled whether his name is still borne on the roll of every Court in which he has been enrolled ;
- (iv) whether he has ever been refused admission as an Advocate, Vakil, Pleader or Solicitor or has ever been censured, suspended from practice, struck off the rolls or disbarred ;
- (v) whether he holds or ever held any appointment in the service of His Highness' Government or of any other country or State and if so when and why he left it.

XXXV. There shall be attached to the letter :—

- (i) a certificate or other evidence of the applicant having necessary qualification for admission as set out in rule 31 ;
- (ii) if the applicant has been enrolled as an Advocate of any other High Court or Courts, a certificate or certificates or other evidence of each such admission and showing that his name is still borne on the rolls

of such High Court or Courts or if his name has been removed, the circumstances under which it was removed ;

(iii) two or more testimonials, from persons in good position, of the good character and conduct of the applicant ;

(iv) if the applicant has practised in any other High Court or in any Court subordinate to a High Court a certificate or certificates that his conduct as an Advocate has been satisfactory.

XXXVI. If the application be granted, the Registrar will, on payment, by the applicant, of requisite stamp duty, enter the applicant's name in the roll of Advocates of the Court and will deliver to the applicant a certificate of admission and enrolment in Form I annexed to these rules, under his signature and the seal of the Court.

XXXVII. An advocate of the Court, not under suspension, shall be entitled to plead and act for parties in Criminal, Civil and Revenue cases in the High Court and in all Courts subordinate thereto, as well as in the Court and office of the Revenue Minister and in all revenue Courts and offices subordinate thereto subject to the rules in force for the time being.

XXXVIII. An Advocate who desires to have his name struck off the roll of Advocates, shall send an application, verified by affidavit, to the Registrar of the Court and shall state therein: —

(a) the date of his admission as an Advocate on the rolls of the Court ;

(b) the reason for the removal of his name from the roll of Advocates ;

(c) that no application or other proceedings against the applicant as such Advocate or as a Barrister is pending in this or any other Court before the Inns of Court or any other body having jurisdiction over him as such Advocate or Barrister and that he does not expect or apprehend that any application or proceeding will be made or taken against him as such Advocate or Barrister,

On such application of the Advocate, the High Court may suspend him from practice or remove his name from the roll of Advocates of the Court.

A certificate in Form II annexed to these rules may be issued to any Advocate on his furnishing a non-judicial stamp of the value of Rs. 5 for the certificate to be written upon.

XXXIX. The Registrar shall keep a roll of Advocates in Form III annexd to these rules.

Vakils.

XL The following persons may be admitted at the discretion of the High Court to the roll of Vakils of the Court:—

(a) Persons admitted as Pleaders of the first grade by this Court or the former High Court;

(b) Persons admitted as pleaders under these rules or as Pleaders of the second grade under the old rules, who shall, at the time of applying for admission to the Roll of Vakils, have practised regularly in one or more of the Courts subordinate to this Court for the periods noted below:—

(i) in the case Graduates in Laws

of any recognised Universty ... 2 years;

(ii) in other cases ... 7 years;

Provided the High Court of Judicature may, on good cause being shown, reduce any of the prescribed periods to such shorter periods as it may think fit.

XLI. The application for admission as Vakil shall be made to the Registrar of the High Court with certificates of evidence to show that the applicant is duly qualified in terms of rule 40.

XLII. The application will be considered by the Court and if it be granted, the Registrar will, on payment, by the applicant, of fifty rupees in stamps deliver to the applicant a

certificate in Form IV annexed to these rules under his signature and the seal of the Court and enrol the applicants name in the Courts roll of Vakils.

XLIII. A Vakil of the High Court, not under suspension shall be entitled to act and plead for parties in Civil, Criminal and Revenue cases in the High Court on its appellate and revisional sides only and in all Courts subordinate to the High Court as well as in the Court or office of the Revenue Minister and in all Revenue Courts and offices subordinate thereto subject to the rules in force for the time being.

XLIV. No Vakil shall appear or plead in any suit, appeal or proceeding in this Court until he has filed a *Vakalatnama* authorising him to act in the matter.

XLV. When the said *Vakalatnama* is not executed by the principal himself but by some person claiming to appoint or give authority on his behalf, the Vakil will not be recognised by the Court without proof that such person was duly authorised by the principal to execute such *Vakalatnama*.

XLVI. In cross appeals a Vakil who has already filed a *Vakalatnama* for the appellant, shall not be required to file another *Vakalatnama* for his client as respondent in the cross appeal.

XLVII. (a) Every application for the renewal of a certificate shall be made by petition to the High Court at least two weeks before the expiry of the certificate and shall be accompanied by the expiring certificate and a declaration in writing stating the applicants ordinary place of business and the Civil, the Criminal or the Revenue Courts, which he desires to be specified therein.

(b) On the requisite stamp being supplied a renewed certificate will be prepared and issued by the Registrar. On the renewed certificate shall be endorsed the memoranda of enrolment recorded on the expiring certificate.

XLVIII. Every Vakil who desires not to renew his certificate shall before it expires, inform the Registrar of his intention and the reason for the same and shall tender the certificate.

XLIX. When a Vakil accepts any appointment under Government or in a limited liability or other company or engages

in any regular trade or business he shall forthwith give notice to the Registrar and the High Court may suspend his certificate or pass such order as the Court may think fit.

A certificate in form V, annexed to these rules, may be issued to any Vakil on his furnishing a non-judicial stamp of the value of Rs. 10 for the certificate to be written upon.

L. Every certificate whether original or renewed, issued under these rules, shall be written upon a stamp paper of the value of Rs. 50.

LI. A fee of Rs. 10 shall be payable by every person admitted by the High Court to be a Vakil under these rules.

APPENDIX A.

FORM OF PLEADERS' CERTIFICATE.

Pursuant to "The Legal Practitioners' Regulation, XXIII of 1977 " I hereby certify that
 whose ordinary place of business is at _____, has been duly
 admitted by the High Court of Judicature, Jammu and Kashmir
 as a Pleader on the _____ and is entitled to practise
 as such, subject to the provisions of the Regulation above cited
 and to the rules made thereunder, during the current Samvat year
 in the Courts and offices specified below, that is to say

Civil Courts.

The District Court and all Civil Courts of inferior jurisdiction.

Criminal Courts.

The Courts of Sessions and all Criminal Courts of inferior jurisdiction.

Revenue offices.

All Revenue Courts and offices subordinate to the Court and office of the Revenue Minister.

Given under my hand and the seal of the Court this
day of 19 .

REGISTRAR,

Jammu }
Srinagar. }

HIGH COURT OF JUDICATURE,

Jammu and Kashmir.

N. B.—This licence is liable to be revoked at any time during the said period on the grounds specified in Sections 12 and 13 of the said Regulation and *inter alia* participation on the part of the holder in any seditious or disloyal movement will be considered reasonable cause for such revocation.

FORM I.

Vide Rule 36.

FORM OF CERTIFICATE OF ADMISSION AS ADVOCATE
IN THE HIGH COURT OF JUDICATURE,
JAMMU AND KASHMIR.

I, _____ Registrar of the High Court
of Judicature, Jammu and Kashmir, do hereby certify and declare
that _____ has this day been admitted, and
enrolled as an Advocate of the High Court of Judicature, Jammu
and Kashmir.

Given under my hand and the seal of the Court this
_____ day of _____ in the Samvat year
one thousand nine hundred and _____

By order of the High Court,

Jammu. }
Srinagar }

REGISTRAR.

FORM II.

*Vide Rule 38.*FORM OF CERTIFICATE OF BEING BORNE ON THE ROLL OF
ADVOCATES.

In the High Court of Judicature, Jammu and Kashmir.

I, _____ Registrar of the High Court of
Judicature, Jammu and Kashmir, do hereby certify and declare
that the name of _____ is borne on the roll of
Advocates of the High Court of Judicature, Jammu and Kashmir,
on this date.

Given under my hand and the seal of the Court this
_____ day of _____ in the Samvat
year one thousand nine hundred and _____

By order of the High Court,

Jammu. }
Srinagar. }

REGISTRAR.

FORM III.

*Vide Rule 39.*ROLL OF ADVOCATES ADMITTED AND ENROLLED IN THE HIGH
COURT OF JUDICATURE, JAMMU AND KASHMIR.

Serial No.	Name in full.	Professional Rank.	Date of the order of admission.	Date of		Place of business.	Signature of the Registrar.	REMARKS.
				Certificate of admission.	Enrolment.			

FORM IV.

*Vide Rule 39.*FORM OF CERTIFICATE OF ADMISSION AS VAKIL IN THE
HIGH COURT OF JUDICATURE, JAMMU AND KASHMIR.

I, _____ Registrar of the High Court of
Judicature, Jammu and Kashmir, do hereby certify and declare
that _____ has this day been admitted and enroll-
ed as a Vakil of the High Court of Judicature, Jammu and Kashmir.

Given under my hand and the seal of the Court this _____
day of _____ in the Samvat year one thousand nine
hundred and _____

By order of the High Court,

Jammu. }
Srinagar. }

REGISTRAR.

FORM V.

*Vide Rule 49.*FORM OF CERTIFICATE OF BEING BORNE ON THE ROLL OF VAKILS
IN THE HIGH COURT OF JUDICATURE, JAMMU AND KASHMIR.

I, _____ Registrar of the High Court of
Judicature, Jammu and Kashmir, do hereby certify and declare
that the name of _____ is borne on the Roll of
Vakils of the High Court of Judicature, Jammu and Kashmir,
on this date.

Given under my hand and the seal of the Court this _____
_____ day of _____ in the Samvat year
one thousand nine hundred and _____

By order of the High Court,

Jammu }
Srinagar. }

REGISTRAR.

(iii) *Counsel's Fees.*

LII. *Fees to be included in costs only if actually paid to Counsel.*—In drawing up a decree or order no fee to any Legal Practitioner not appearing for His Highness or the State or the Court of Wards as a party, shall be allowed on taxation between party and party or shall be included in any decree or order except in the case of an order on an application for adjournment unless the Judge is satisfied that the fee was paid to such Legal Practitioner at or before the commencement of the hearing of the suit or application concluded by the delivery of the judgment or by the making of the order by which costs become payable and unless at or before such time there shall have been delivered to the Court, a certificate signed by the Legal Practitioner certifying the amount of the fee or fees actually paid to him for his own exclusive use and benefit by or on behalf of his client, together with an affidavit made by such client or his authorised agent :

Provided that in any case the presiding officer may, for valid reasons to be recorded by him, accept a certificate for fees filed after the time mentioned above.

Explanation.—By the word "hearing" is meant the hearing referred to in order XVIII, rule 2 (1) or order XLI, rule 12, as the case may be, but not the day to which such hearing is adjourned.

(2) *Certificate of payment.*—The certificate above mentioned shall be, so far as is possible, in the following form :—

In the Court of the _____ of _____

Between _____ and _____ for the purpose of having my fee allowed on taxation as against _____ I hereby certify that in the above case the following fees were paid to me on the dates and by the person or persons specified below, and that such fees were paid to me at or before the commencement of the hearing of the suit or application ; and that the entire amount so paid was actually paid to me for my own exclusive use and benefit, and that no portion thereof has been, or has been agreed to be, returned or remitted or appropriated to the use of any other person by me

or by any one acting on my behalf.

Matter.	Fee.	Date of payment.	By whom paid.	Address of person who actually made such payment.

Date of Signature. _____

Signature.

Address of Legal Practitioner.

Filed on the _____ day of _____ by
_____ of _____

(3) Nothing in this rule shall be deemed to authorise the allowance between party and party of any fee in excess of those allowed by rules 49 to 61.

LIII. Scale of Counsel's fees.—The fees in respect of the employment of Legal Practitioners which may, subject to rule 47, be allowed on taxation as between party and party in suits, appeals and other proceedings, to the party or parties entitled to be paid costs under a decree or an order of a Court by any other party or those provided for in rules 49 to 61 inclusive.

The party entitled under a decree or an order to be paid costs in a suit by another party shall not be entitled to any larger allowance for Legal Practitioners' fees in the suit, including all proceedings in the execution of the original decree than the fee, hereinafter provided for in rules 49 to 61 inclusive, which may be applicable to the case.

Similarly the party in an appeal entitled under a decree or an order to be paid costs by another party shall not be entitled to any larger allowance for Legal Practitioners' fees in the appeal including all proceedings in the execution of the appellate decree, than the fee, hereinafter provided for in rules 49 to 61 inclusive, which may be applicable to the case.

Provided always that no fees shall be allowed on taxation or included in any decree or order, the payment of which has not previously been certified and vouched in accordance with rule 47.

Provided further that this rule shall not apply to an order of costs made on account of adjournment.

For the purpose of this rule "Legal Practitioner" includes an Advocate, Vakil and Pleader.

Illustration.—A plaintiff who has obtained a decree in a contested suit in which the claim is rupees five thousand and who has obtained a decree or an order for costs and has filed the requisite certificates and affidavits, shall not be entitled to a larger allowance on taxation in respect of Legal Practitioners' fees in the suit and in all proceedings therein, including the execution of the original decree, than rupees two hundred fifty.

Should there be a contested appeal from the original decree in such suit, and the value of the appeal be rupees five thousand the litigant in such appeal who has obtained a decree or an order for costs and has filed the requisite certificate and affidavits, shall not be entitled to a larger allowance on taxation in respect of Legal Practitioners' fees in the appeal and in all proceedings therein including proceedings in the execution of appellate decree than Rs. 250.

LIV. *In suits or appeals for money, effects, personal property or for land or immovable property or breach of a contract or damages.*—In suits, or in appeals from original or appellate decree in suits for money, effects or other personal property or for land or other immovable property of any description or for the breach of any contract or damages, when such suits or appeals are decided on the merits after contest—

- (1) if the amount or the value of the plaint shall not exceed Rs. 5,000, 5 per cent ;
- (2) if the amount or value shall exceed Rs. 5,000 and shall not exceed Rs. 20,000, on Rs. 5,000 as above and on the remainder 2 per cent ;
- (3) if the amount or value shall exceed Rs. 20,000 and shall not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder 1 per cent ;

(4) if the amount or value shall exceed Rs. 50,000 and shall not exceed Rs. 80,000, on Rs. 50,000 as above, and on the remainder $\frac{1}{2}$ per cent;

(5) if the amount or value shall exceed Rs. 80,000, on Rs. 80,000 as above, and on the remainder at $\frac{1}{4}$ per cent. subject to a maximum of Rs. 1,500.

LV. *In suits or appeals dismissed for default, decided ex-parte or on confession of judgment or rejection of appeal under Order XLI of C. P. C.*—When such suits or appeals are dismissed in default or decided *ex-parte* or on confession of judgment or when an appeal is rejected under Order XLI, rule 10 of the Code of Civil Procedure—

(1) if the amount or value of the claim shall not exceed Rs. 5,000, not exceeding $2\frac{1}{2}$ per cent ;

(2) if the amount or value shall exceed Rs. 5,000 and shall not exceed Rs. 20,000, on Rs. 5,000 as above, and on the remainder not exceeding 1 per cent ;

(3) if the amount or value shall exceed Rs. 20,000 and shall not exceed Rs. 50,000 on Rs. 20,000 as above, and on the remainder not exceeding $\frac{1}{2}$ per cent ;

(4) if the amount or value shall exceed Rs. 50,000 and shall not exceed Rs. 80,000, on Rs. 50,000 as above and on the remainder not exceeding $\frac{1}{4}$ per cent ;

(5) if the amount or value shall exceed Rs. 80,000, not exceeding Rs. 500.

LVI. *In applications under Schedule II, paras. 17 & 20 of C. P. C.*—In application under Schedule II, paragraph 17 and paragraph 20 of the Code of Civil Procedure:—

(1) if the amount or value of the claims shall not exceed Rs. 5,000, not exceeding $2\frac{1}{2}$ per cent ;

(2) if the amount or value shall exceed Rs. 5,000 and shall not exceed Rs. 20,000, on Rs. 5,000 as above and on the remainder not exceeding 1 per cent ;

(3) if the amount or value shall exceed Rs. 20,000 and shall not exceed Rs. 50,000, on Rs. 20,000 as above and on the remainder not exceeding $\frac{1}{2}$ per cent ;

(4) if the amount or value shall exceed Rs. 50,000 and shall not exceed Rs. 80,000, on Rs. 50,000 as above and on the remainder not exceeding $\frac{1}{4}$ per cent ;

(5) if the amount or value shall exceed Rs. 80,000, not exceeding Rs. 500.

LVII. *In enquiry regarding pauperism under Orders XXXIII and XLIV.*—In an enquiry as to pauperism under orders XXXIII and XLIV of the Code of Civil Procedure, the fee payable to a Government Pleader, who has opposed an application for leave to sue as a pauper, or has applied for the dispaupering of the plaintiff, shall be ten per centum on the amount of the Court-fee that would be payable on the plaint if the suit were not brought by a person alleging pauperism: provided that no fee in excess of Rs 75 shall be payable under this rule.

A Government Pleader, who sues out execution of decree without having appeared in Court in the proceedings prior to decree, is entitled to the fee prescribed in the first part of this rule.

LVIII. *In reviews, if former order upheld.*—If a review be rejected after summoning the opposite party, or if, after the admission of a review, the former judgment be upheld, the fee, if allowed to the successful party in the review, shall be fixed by the Court at an amount which shall not in any case exceed one half of the amount allowed by these rules in case of an original decree.

LIX. *In reviews, if former judgment reviewed.*—If, after the admission of a review, the former judgment be revised, the fee in respect of the review, if allowed to the party who succeeds in the review, shall not exceed one-half the amount allowed by these rules in case of an original decree. The fee allowed in respect of the review will be irrespective of any fee which may be included in any costs in respect of the original suit, which may be adjudged to the successful party by the judgment in review.

LX. *In appeals from orders and in other cases.*—In appeals from orders and in other cases—

(1) if the amount or value of the claim shall not exceed Rs. 5,000, $1\frac{1}{4}$ per cent ;

(2) if the amount or value shall exceed Rs. 5,000 and shall not exceed Rs. 20,000, on Rs. 5,000 as above, and on the remainder $\frac{1}{2}$ per cent ;

(3) if the amount or value shall exceed Rs. 20,000 and shall not exceed Rs. 50,000, on Rs. 20,000 as above, and on the remainder $\frac{1}{4}$ per cent ;

(4) if the amount or value shall exceed Rs. 50,000 and shall not exceed Rs. 80,000, on Rs. 50,000 as above, and on the remainder $\frac{1}{8}$ per cent ;

(5) if the amount or value shall exceed Rs. 80,000, Rs. 250.

LXI. *Meaning of the words "amount or value of the claim".—* The words "the amount or value of the claim" in rules 49, 50, 51 and 53, mean the value for purposes of jurisdiction as set forth on the plaint, application or memorandum of appeal.

LXII. *Fractions of a rupee shall be rejected.*—Fractions of a rupee in the amount or value of a claim shall be rejected in calculating the fee payable thereupon.

LXIII. *Courts' discretion to award higher or lower costs.*—Notwithstanding the provisions of rules 49 to 55, a Court may in any case, for special reason to be recorded in the judgment, award a higher or a lower fee than that therein prescribed.

LXIV. *In cases not admitting of valuation.*—In cases in which the subject-matter of the claim does not admit of valuation, the Court shall fix a reasonable fee, regard being had to the time occupied in the decision of the case and the nature of the questions raised therein.

LXV. *Costs to several defendants.*—If several defendants who have a joint or common interest succeed upon a joint defence, or upon separate defences substantially the same, not more than one fee shall be allowed, unless the Court shall otherwise order for a reason which shall be recorded in the judgment. If only one fee be allowed, the Court shall direct to which of the defendants it shall be paid, or shall apportion it among the several defendants in such manner as the Court shall think fit.

LXVI. If several defendants, who have separate interests, set up separate and distinct defences and succeed thereon, a fee for one legal practitioner for each of the defendants who shall appear by a separate legal practitioner may be allowed in respect of his separate interest. Such fee if allowed, shall be calculated with reference to the value of the separate interest of such defendants in the manner hereinbefore prescribed.

LXVII. *The same.*—For each fee allowed under the two last preceding rules the value of the stamp on one *Vikalatnama* only shall be awarded as costs.

LXVIII. *Costs of adjournment.*—Except where an adjournment is made with the consent of all parties, or where from insufficiency of notice a party has not had reasonable time to prepare himself for trial an adjournment should ordinarily not be granted, save on the condition that the party applying pay all the costs of the day, including a reasonable fee, to the legal practitioner engaged by his adversary.

LXIX. *Defendant not entitled to fee in certain cases for damages.*—If in any suit for damages the plaintiff shall succeed as to the whole of his cause of action but shall fail to recover the full amount of damages claimed, the defendant shall not be entitled to any allowance in respect of the difference between the amount of damages claimed and the amount recovered, unless the Court shall be of opinion that the amount claimed for damages was unreasonable or excessive, and shall, for that or any other cause to be specified, direct that a fee shall be allowed to the defendant.

If specially allowed, the amount of such fee shall be fixed with reference to the amount of damages disallowed to the plaintiff, and shall be calculated according to rule 49.

(iv) *Touting.*

LXX. The attention of all District and Sessions Judges and District Magistrates is directed to the provisions of Section 36 Legal Practitioners' Regulation

LXXI. It is very desirable that use should be made of this section as it enables Courts to protect suitors and respectable members of the Bar at least to the extent of stopping touting within the precincts of the Courts.

The section only requires that the Court preparing a list of touts should satisfy itself that persons habitually act as touts, and should give them an opportunity of showing cause against the inclusion of their names.

A wide discretion is left to the Court as to the method in which it may so satisfy itself.

(v) *Miscellaneous.*

LXXII. *Legal Practitioner may address Courts in English.*—Legal Practitioners may, with the consent of the Court, address it in English; provided that such consent shall not be given if the opposite party objects, unless due provision is made for interpretation, if necessary, of what is said in the language of the Court.

LXXIII. *Authority of pleader for payment.*—Vakils and pleaders shall not receive refunds or repayment of Court-fees, moneys or securities for moneys, except they be by their *Vakalat-namas* distinctly authorised to receive the same.

LXXIV. *Legal Practitioner not to bid in sale for execution of decree in a suit in which he is engaged.*—No legal practitioner shall, at a sale in execution of a decree in a suit in which he has been professionally engaged, bid for or purchase, whether in his own or in any other name, for his own benefit or for benefit of any other person, any property sold in execution of such decree.

Any legal practitioner contravening this rule will be held guilty of misconduct within the meaning of the Legal Practitioners' Regulation, and be dealt with accordingly.

CHAPTER XII.

RULES REGULATING THE PRACTICE OF THE HIGH COURT IN THE HEARING OF CAUSES AND OTHER MATTERS.

I. The Court will be open daily, except on authorised holidays, for the transaction of judicial business, between the hours of 10-30 A. M. and 4-30 P. M.

No fresh case will ordinarily be called on for hearing or other fresh business entered upon by a Single or Division Bench after 4 P. M. but the hearing of a part-heard case may be continued so long as the Bench hearing it may deem necessary.

II. The Judges will sit singly or in Benches of two or more Judges in accordance with a Roster to be prepared quarterly by the Deputy Registrar with the approval of the Chief Justice.

III. Complaints, appeals, applications and petitions will be distributed by the Registrar two days previously. The distribution

lists will be initialled by the Registrar and no change in them will be made without his authorisation and initials. A copy of the list will be supplied to the Judges and to the Bar Room.

IV. Cases will be set down for hearing by the Registrar or the Deputy Registrar with the approval of the Chief Justice before Single and Division Benches in accordance with the Roster for the time being prescribed under Rule II.

V. The Cause List of Division Bench cases will be a weekly list, *i. e.*, a case will be set down for the week commencing on a certain date. The Cause List of Single Bench cases will be at first a weekly list, but will be broken into daily lists and exhibited in the Bar Room at least ten days before the commencement of the week. On the Tuesdays preceding the first day of the week the daily lists will be finally settled.

VI. Cases will be set down in the list in the order of their date of admission, except as directed below, and will be heard in that order unless a written application for a change in the order has been accepted by the Court.

Exceptions.—(A) Postponed cases take priority of all others in Division Bench lists, and in Single Bench lists of all others in their own class.

(B) Remanded cases take priority of all others except postponed cases.

(C) A case which has been fixed by special order for hearing on a particular day before a particular Judge, or particular Judges, shall be placed at the head of the list for that day.

VII. (i) An application for the postponement of a case shall be presented to the Deputy Registrar and shall not be taken direct to a Judge.

(ii) Cases may be postponed by the Registrar or in his absence, under the orders of the Deputy Registrar —

(a) if, two days before the date of hearing the record has not been received, or the case is otherwise incomplete ;

(b) if before the day of hearing, the death of a party is announced and an adjournment is thereby necessitated ;

(c) if the lower Courts have not complied with a precept or process.

(iii) Except as above provided no application for the adjournment of a case shall be entertained unless a Bench or Judge, as the case may be, is satisfied that by reason of recent death, sudden illness or domestic bereavement a party cannot be properly represented at the hearing unless such order is made.

(iv) Ordinarily part-heard cases will be proceeded with on the following day or days till they are concluded and other remnants will be postponed and given fresh dates.

VIII. Parties and their Advocates, Vakils or Agents are required to attend the Court on the day or days for which their cases are set down, and on subsequent days until their cases are disposed of or are postponed.

IX. Urgent applications will be laid before the Registrar, who will place the application before any Judge in Chambers on the following day, unless for special reasons he thinks fit to place it before a Judge on the day of receipt. Urgent applications must be presented before 11 A. M.

CHAPTER XIII.

RULES FOR THE DISPOSAL OF EXECUTIVE AND ADMINISTRATIVE BUSINESS.

I. When the Chief Justice considers that before passing final orders in any matter he should consult the other Judges he may record his recommendation and order that the file be circulated. Should any Judge dissent from the recommendation in any such matter of the Judge by whose order the file is circulated, he shall signify his dissent and his reason or reasons therefore, in writing and thereupon the matter shall be brought before and disposed of at a Judges' Meeting. Should no such dissent be signified, the recommendation of the Chief Justice shall be deemed to have been approved of by the Court, and the Chief Justice may then pass such orders as are necessary and are in accordance with such recommendation.

II. The Chief Justice shall circulate the papers in the following matters, with his opinion or recommendation thereon :

(a) correspondence, communications or recommendations, as to changes in the law or the necessity for legislation ;

- (b) the issue of rules and circular letters to Courts subordinate to the Court ;
- (c) the civil and criminal annual reports and statements ;
- (d) all matters upon which Government desires the opinion of the whole Court.

III. The following matters shall invariably, after circulation, be disposed of at a Judges' Meeting :—

- (a) draft of rules proposed to be made Rules of the Court ;
- (b) suggested additions to or alterations in Rules of the Court ;
- (c) rules affecting costs or charges payable by parties ;
- (d) questions affecting the constitution of the Court ;
- (e) all communications or recommendations in writing made by a Judge of the Court as to changes in the law ; and
- (f) any other matter which a Judge requests in writing may be brought before a Judges' Meeting.

IV. When papers are circulated under Rule I or Rule III the Judges shall consider the same as speedily as possible, giving priority to such as shall have been marked "URGENT."

V. So far as conveniently may be, papers for circulation shall be sent by the Registrar to the Judges in their order of seniority. The Registrar shall as far as practicable obtain from each Judge such papers within 3 days from the date when the same were sent to him. The Registrar shall endorse on the papers the date when they were sent to, and received back from, each Judge. It shall not be necessary to send papers to any Judge who is not for the time being at the Head-quarters.

VI. A Judge who does not, within 3 days from the date when he receives papers in circulation, which are marked URGENT, signify in writing his opinion on the matter submitted (shall be deemed to have declined to express any opinion on the matter).

VII. A Judges' Meeting shall ordinarily be held on every Friday.

VIII. At all Judges' Meetings 3 Judges shall form a quorum. The Judges present at a meeting may dispose of all the business, for the disposal or consideration of which such meeting was called, and such disposal shall be deemed to be a disposal by the Court.

IX. In case of a difference of opinion at a meeting, the decision shall be in accordance with the opinion of the majority of the Judges present and in case the Judges present be equally divided the Senior Judge present shall have a casting vote.

X. The Registrar, or in his absence the Deputy Registrar, shall attend all Judges' Meetings, and shall record in the Minute Book the proceedings at such meetings.

XI. As soon as conveniently may be after the proceedings of a Judges' Meeting have been recorded in the Minute Book the book shall be submitted to each Judge for information.

XII. The Minute Book shall be kept in the safe of the Court and shall not be removed from the Court building except by the Registrar with the sanction of the Chief Justice.

CHAPTER XIV.

THE INSPECTION OF RECORDS.

I. The inspection of the records of decided cases will be allowed only under the orders of a Judge.

II. Records of pending cases will be open, as of right, to the inspection of parties or their authorised agents or any Advocate or Vakil of the Court, who is duly authorised to act in the case: Provided that an Advocate or Vakil of the Court may inspect the record of any such case on giving an assurance that he is in communication with one of the parties with a view to being retained in it: Provided also that the inspection of record will not be permitted on the date fixed for hearing without the special order of the Judge or one of the Judges before whom the case is pending.

III. With the exception of the persons above-mentioned no one will be allowed access to the record of a pending case without the special order of a Judge.

IV. Applications under Rules I and III shall be made by petition duly stamped with a court-fee label of Rs. 2. Other applications for inspection shall be in writing on a printed form to which must be affixed a court-fee label of the value prescribed below : --

(a) If ordinary inspection is desired a court-fee label of Re. 1.

(b) If urgent inspection on the date of hearing or on a day other than the date of hearing is desired a court-fee label of Rs. 5.

Note.—No fees should be charged for the inspection of records in Civil and Criminal cases by the Government or the Public Prosecutor, as such, or by any Counsel appearing for Government in Civil and Criminal cases or by Counsel appearing for accused or appellant in cases where the latter is a pauper or is defended by Counsel provided by Government.

V. Applications must distinctly specify the record of which inspection is desired and shall be presented to the Deputy Registrar--

(a) When ordinary inspection on a day other than the date of hearing is desired, between the hours of 10-30 A. M. and 3-30 p. m.

(b) When urgent inspection is desired on the date of hearing between 10-30 A. M. and 11-30 A. M.

VI. The Deputy Registrar will arrange to procure the records of which inspection is desired and for ordinary applications will allow inspection between the hours of 11 A. M. to 3 P. M. and for urgent applications as follows:—

(a) when inspection is required urgently for a day other than the date of hearing up to 4 P. M.; and

(b) when inspection is desired on the date of hearing as allowed by the Judge or Judges hearing the case.

VII. (i) Records will be inspected only in the room set apart for the purpose between the hours mentioned in Rule VI and in the presence of the proper official of the Court. It will be the duty of the officer aforesaid to supervise all inspections and to see that the rules relating thereto are duly observed. It will not be his duty to assist any person by reading or otherwise, in the inspection of a record and he is strictly prohibited from doing so.

No mark shall be made on any record or paper inspected and no servant of any member of the Bar shall be allowed, on any account to take notes for his master except in the presence of his master. Pen and ink are not to be used by any person inspecting a record. Any person infringing the rule shall be deprived till further orders of the right to inspect records.

(ii) Except in the case of connected records inspection of which has been permitted for a single fee access will be permitted to the record of one case only at a time.

VIII. The fee provided in Rule IV shall entitle the applicant to inspect the record on one day only. If inspection of the record is desired on another day a fresh application shall be required and a fresh fee paid.

IX. Police papers received in the Court in connection with any pending Criminal case, and translation of such papers shall not be available for inspection, either by the convict or accused or by his agent or by any legal practitioner retained on his behalf.

X. All applications bearing a court-fee stamps of Rs. 5 shall be dealt with by the office at once. All ordinary applications shall be dealt with in the ordinary course of business.

CHAPTER XV.

THE GRANT OF COPIES OF RECORDS.

(A) *Persons entitled to copies.*

I. A copy or translation of a judicial record may be granted in the manner prescribed by these rules to any person who is legally entitled to receive it.

II. (i) A plaintiff or a defendant who has appeared in the suit or appeal is entitled, at any stage of the suit or appeal, to obtain on payment copies of the record of the suit or appeal, including exhibits which have been put in and finally accepted by the Court in evidence.

NOTE.—A party who has been ordered to file a written statement is not entitled to inspect or take a copy of a written statement filed by another party, until he has first filed his own.

(ii) A stranger to the suit or appeal may, after decree, obtain as of right on payment copies of the plaint, memorandum of appeal, written statements, affidavits and petitions filed in the suit or appeal ; and may, for sufficient reason shown to the satisfaction of the Court, obtain copies of any such documents before decree.

(iii) "A stranger to the suit or appeal may also obtain, as of right, on payment (and, if the copy required is of a Single Bench judgment, on certifying that the copy is not required for publication), copies of judgments, decrees or orders, at any time after they have been passed or made."

(iv) A stranger to the suit or appeal has no right to obtain copies of exhibits put in evidence, except with the consent of the person by whom they were produced.

(v) Any person entitled to obtain a copy of a judicial record may apply for a translation thereof.

(B) Applications for copies of records.

III. (i) Copies or translations of judicial records of the High Court will be supplied on application made to the Court.

NOTE.—Every such application shall bear a court-fee stamp of two annas vide Schedule II, Article I, Court-fees Regulation, 1977.

(ii) Every such application may be either —

(a) presented in the ordinary course ; or

(b) transmitted through the post, by letter or post-card addressed to the Registrar or the Deputy Registrar.

IV. Every application for a copy or translation shall contain the following particulars, namely :—

(a) the name of the cause ;

(b) if the cause is pending, the date of institution thereof and the date fixed for hearing, if any ;

(c) if the cause has been decided, the date of decision ;

(d) where the information referred to in clauses (b) and (c) is not available to the applicant such other information as may be sufficient to enable the cause to be identified and traced ;

(e) the nature of the document, a copy or translation of which is required ;

(f) in the case of a copy, whether attested or unattested copy is required ; and, if the former, whether for private or general use ;

(g) the name and full postal address of applicant.

V. (i) Upon the presentation or receipt by post of an application for a copy or translation, the other proper officer shall —

(a) endorse or cause to be endorsed thereon the date of presentation ;

(b) initial the endorsement ;

(c) cause the application to be registered as hereinafter provided, and

(d) cause the court-fee thereon to be cancelled according to law.

The application will then be examined and an order passed thereon as hereinafter prescribed.

NOTE.—The Superintendent, is authorised to deal with applications for copies and translations under these rules.

(ii) If the application is in proper form and is one which may properly be granted under the rules and practice of the Court, an order will be recorded thereon directing the copy or translation required to be made and delivered.

(iii) If the application is not in proper form or is one which may not properly be granted under the rules and practice of the Court, an order will be recorded thereon specifying the requirements to be complied with and directing its return to the applicant, or refusing the application and directing that it be filed, according to the circumstances of the case.

(iv) Applications for copies made by legal practitioners or others, which are made so late that the copies cannot be completed by the date on which they are required, will be returned to the applicant with an endorsement to that effect.

(C) *Description of copies.*

VI. Copies supplied are of two kinds, namely --

(1) *Attested copies* (supplied in either English or Vernacular), for general use, on which the court-fee prescribed by Articles 6, 7, 8 or 9 (as the case may be) of Schedule I of Court-fee Regulation 1977 must be affixed before delivery, namely—

On copies of decrees	...	...	...	Rs	4
On copies of judgment	...	...	...	Re	1
On other copies	...	...	...	Re.	-/12/-

NOTES.—(i) In all applications falling under head 3 the applicant should be asked if he has not omitted to apply for a copy for private use (head 2) by oversight, as such copies can always be stamped before use and very few cases of applications falling under head 3 should occur.

(D) *Fees.*

VII. (i) For every copy of a judicial record there will be charged a copying fee and a record office fee.

(ii) The record office fee will be a sum charged in addition to the copying fee, and equal to one-fourth of its amount.

(iii) The following shall be the maximum scale of copying fees: -

ENGLISH COPIES.

				Rs.	A	P.
(1)	200 words or under	...	...	0	12	0
(2)	Every additional 100 or fraction of 100 words.			0	6	0

VERNACULAR COPIES.

(1)	200 words or under	...	...	0	6	0
(2)	Every additional 100 words or fraction thereof.			0	3	0

COPIES OF DECREES.

<i>Attested copy of a decree</i> , whether in English or Vernacular, and without regard to the number of words.	1	0	0
---	---	---	---

(iv) When an applicant requires a copy of the translation of an order of a document he shall be charged a fee for the translation furnished to him plus an extra fee equal in amount to the fee so charged.

(v) In the case of maps and plans and tabular work, a special charge will be made; such charge will be fixed by the Deputy Registrar with reference to the difficulty or intricacy of the work to be done in each case.

(vi) When an applicant requires his copy to be furnished urgently an extra fee shall be charged, which shall be equal in amount to the copying fee.

NOTE.—[To clause (vi) only.] For the purposes of the above rule the extra fee to be charged shall be for each paper copied which can properly be regarded as a separate paper, *e. g.*, every deposition of a witness or written statement of a party, or order of the Court, is a separate paper. In cases of doubt as to whether a paper is separate or not, the Deputy Registrar shall decide.

VIII. Copies shall ordinarily be delivered to the applicant not later than three days from the date on which the fees required under these rules are deposited.

IX. If the actual amount of the charges to be made in respect of a copy or translation —

(1) *exceeds the amount deposited*, the balance will be recovered before the copy is delivered;

(2) *falls short of the amount deposited*, the surplus will be returned to the person entitled to the copy at the time of delivering the copy to him.

CHAPTER XVI.

THE DESTRUCTION OF RECORDS.

PART I.—GENERAL.

I. All judicial records, books and papers in respect of which the period, hereinafter prescribed, for their preservation has expired shall be destroyed in accordance with the directions contained in the rules next following.

II. The destruction of judicial records, books and papers shall be carried out from time to time as may be necessary ; and, subject to the general superintendence of the Deputy Registrar, shall be supervised by such officer, hereinafter called the supervising officer, as may be appointed by the Chief Justice.

III. (i) The destruction of judicial records, books and papers shall be effected by tearing so as to render it unlikely that the documents so torn up may be used again. All Court-fee stamps affixed to documents which are to be destroyed shall be removed therefrom, and burnt by, or in the presence of, the supervising officer.

(ii) The paper, after the supervising officer has certified that the destruction has rendered such judicial records, books and papers of no value, shall be sold as waste, under the orders of the Registrar, and the proceeds of the sale shall be credited in the treasury to Government.

PART II.—JUDICIAL RECORDS.

IV. Every judicial record shall, for the purposes of these rules, consist of two parts, namely, (1) part A and (2) part B. Every document admitted to such records shall be marked with the letter A or the letter B according as it belongs to part A or part B and shall be placed with such file and shall without delay be entered in the general index prefixed to each such record.

V. Part A of a Civil judicial record shall consist of the following documents, namely:—

(a) *In original suits.*

1. The *tablak* or envelope containing particulars of the case and a brief abstract of the orders in English.

2. The index of papers.

3. The order sheet.

4. The plaint, together with any schedule annexed thereto, and all documents, whether original or copies, filed with the plaint.

NOTE.—In miscellaneous cases the petition or written application of the party setting the Court, in motion will take the place of the plaint.

5. The written statements and pleadings of the parties.
6. Applications of parties who are strangers to the suit, with the Court's order thereon.
7. Orders of appointment, removal or discharge of a guardian or next friend
8. The memorandum of issues, with amended or additional issues, if any.
9. All depositions of witnesses.
10. Order for fining a witness.
11. All documents or certified copies thereof received by the Court during the trial as evidence between the parties.
12. Order impounding a document.
13. Commissions, proceedings held thereunder and reports and examination of Commissioners.
14. Affidavits.
15. Reports furnished by the record department.
16. Applications to refer to arbitration, references to arbitration, the award or other final return of the arbitrators, with the proceedings, deposition and documents submitted therewith, and any application to set aside the award, with the Court's orders thereon.
17. Instruments of withdrawal, compromise or confession of judgment.
18. Orders of arrest or attachment before judgment with all documents relating thereto.
19. Interlocutory orders of the Court.
20. The judgment, translation thereof (if any) or other final order.
21. The decree and all documents relating to the preparation or amendment thereof.

22. All notes in the handwriting of the Judge.

23. Application for the re-admission of a suit dismissed for default or for the re-hearing of a suit decreed *ex parte*.

24. Applications for review of judgment with the Court's orders thereon.

25. All receipts and acknowledgments filed in execution proceedings.

26. Petitions for substitution, addition or striking out of names of parties or for substitution of the names of the heirs of a deceased plaintiff or defendant, if allowed.

(b) *In Appeals and Miscellaneous cases (including Reference and Revision proceedings).*

1. The *tablak* or cover containing particulars of the case and a brief abstract of orders in English.

2. The index.

3. The memorandum of appeal.

4. The notice, with report of service, in *ex-parte* cases.

5. Memorandum of objections under Order XLI, Rule 22 or 26 of the Civil Procedure Code.

6. The finding on issues referred to the lower Court for trial under Order XLI, Rule 25 of the Civil Procedure Code.

7. Security bond for costs filed by the appellant.

8. Petitions for substitution, addition or striking out of names of parties or for substitution of the names of the heirs of a deceased appellant or respondent, if allowed.

9. Depositions of parties or witnesses taken in this Court or by the lower Court on remand.

10. Order for fining a witness.

11. Commissions, proceedings held thereunder and reports and examinations of Commissioners.

12. Order of appointment, removal or discharge of a guardian or next friend.

13. Documents filed by the parties

14. Order impounding a document.

15. Affidavits, except those presented with applications which are rejected.

16. Applications to refer to arbitration, references to arbitration, the award or other final return of the arbitrators, with the proceedings, depositions and documents submitted therewith, and any application to set aside the award with the Court's orders thereon.

17. Instruments of withdrawal, compromise or confession of judgment.

18. Interlocutory orders.

19. The Court's judgment, translation thereof (if any) or final order.

20. The decree and all documents relating to the preparation or amendment thereof.

21. Application for the re-admission of an appeal, application or petition dismissed for default, or for the re-hearing of an appeal, application or petition decreed *ex parte* with final order thereon.

22. Application for review of judgment with final order thereon.

23. Application for revision under section 115 Code of Civil Procedure.

24. Judgment and final order on applications referred to in 21—23.

25. Reference under Order XLVI, Rule I of the Civil Procedure Code or other law, with the final order.

VI. Subject to any direction by the Court to the contrary part B of a Civil judicial record shall consist of all documents in such records as are not indicated in the preceding rule as belonging to part A.

VII. Part A of a Criminal judicial record shall consist of the following documents, namely :—

(a) In an original trial, of all papers.

(b) In an appeal, reference and revision of—

1. The *tablak* or envelope containing particulars of the case or a brief abstract of the orders in English.

2. The index.

3. The petition of appeal or revision or letter of reference.

4. Any additional evidence taken under the orders of the High Court on remand.

5. Translation of police reports.

6. Interlocutory orders of the Court.

7. Judgment and formal order of the Court, and translation of the same.

8. All notes in the handwriting of a Judge.

9. Copies of the judgements of the lower Courts.

VIII. Subject to any direction by the Court to the contrary part B of a Criminal judicial record shall consist of all documents in such records as are not indicated in the preceding rules as belonging to part A.

IX. The following documents belonging to part A of a judicial record shall be preserved *permanently*, namely :—

In Civil Cases.

1. The index.

2. The judgment of the Court.

3. The decree of the Court.

4. Unreturned deeds.

In Criminal cases.

1. The index.
2. The judgment of the Court.
3. Warrants of commitment or execution, when returned.
4. Unreturned deeds.

X. Subject to the provisions of Rule IX, the following records shall be preserved for *thirty* years, namely—

1. Part A in all original Civil cases.
2. Part A of all appeals.

3. Part A of all appeals relating to the succession to an office or to establish or set aside an adoption or otherwise determine the status of an individual, and of all appeals relating to trusts or religious endowments.

4. All cases connected with the custody and disposal of intestate property.

5. Murder references.

6. Original criminal trials.

7. Part A of Criminal appeal, and reference cases relating to cases decided by Courts of Session, or by Magistrates empowered under section 30, Criminal Procedure Code, and of all cases coming under Chapters XII and XVII, Ranbir Penal Code, to which section 75 of the Ranbir Penal Code is applicable : Provided that in the cases referred to in 9, 10 and 11 if the sentence has not been fully executed, the record shall be preserved until the return of the warrant, and shall then be destroyed.

8. Part A of appeals 'or reference' under Chapter XXXVI, Criminal Procedure Code, in which the orders of the Courts below have been interfered with.

9. Cases in which any public servant has been tried as such.

10. Records relating to the disposal of immovable property forfeited to Government under section 62 Ranbir Penal Code.

11. Part A of cases heard in the exercise of insolvency jurisdiction other than that conferred by Chapter XX of the Code of Civil Procedure, 1977.

12. Part A of Criminal cases in which a lunatic is concerned unless the lunatic shall have been subsequently tried or have died.

XI. Subject to the provisions of Rule IX, the following records shall be preserved for *twelve* years, namely

Part A of Civil and Criminal appeals and Civil and Criminal reference cases not mentioned in Rule X.

XII. Subject to the provisions of Rule IX the following records shall be preserved for *six* years, namely

Part A of the record in applications for the exercise by the Court of its revisional jurisdiction under the Civil Procedure Code or the Code of Criminal Procedure.

XIII. Except as hereinafter provided by this rule *part B of a judicial record and applications of a miscellaneous character filed with such record shall be destroyed before such record is consigned to the record room :*

XIV. The period prescribed by Rules X, XI and XII of these rules for the preservation of a judicial record shall be reckoned from the date of the final order of the Court in the case.

XV. A note of every judicial record destroyed under the provisions of these rules shall be made, under the signature of the supervising officer, at time of destruction in the register in which the case is entered, and also in the general index prefixed to such record.

XVI. (i) Documents belonging to private persons or to Government as a party to the proceedings or which have been impounded in the cases in which they were produced shall not be destroyed, but shall be dealt with in the manner provided by the clauses of this rule next following.

(ii) When the period prescribed by Rules X, XI and XII of these rules for the preservation of part A of a judicial record has expired, and before such part is destroyed all documents of the nature specified in clause (i) of this rule shall be removed therefrom and kept till application is made for their return.

(iii) A document shall not be returned within the period specified in Order XIII, Rule 9 of the Code of Civil Procedure until a certified copy thereof has been delivered to be substituted for the original nor shall a document be returned which has been ordered to be impounded or which has, by force of decree or order of the Court, become void or useless, or which is required by law to be filed and preserved.

PART III.—REGISTERS.

I. The registers of the Court shall, for the purposes of these rules, be divided into three classes, namely

A—Primary.

B—Subsidiary.

C—Statistical.

A.—Primary.

II. (i) The primary registers are those which have to do directly with cases filed in Court, and which form an abstract of the progress and disposal of such cases.

(ii) The following primary registers shall be maintained, and shall be preserved for the period specified against each:—

No. of register.	Name of register.	Period for which to be kept.
I Civil appeals	For ever.
II Civil revisions	Ditto.
III Civil miscellaneous	Ditto.
IV References under the Tenancy Regulation and Order XLVI, Civil Procedure Code.	Twelve years.
V Criminal appeals	For ever.

No. of register.	Name of register.	Period for which to be kept.
VI	Criminal revisions	For ever.
VII	Criminal miscellaneous	Ditto.
VIII	Murder references	Ditto.
IX	Security in Civil revisions	Twelve years.
X	Probate and administration	For ever.
XI	<i>Roznamcha</i>	Twelve years

B.—Subsidiary.

III. The subsidiary registers are for administrative purposes, and the following shall be maintained, and shall be preserved for the period specified against each :—

No. of register.	Name of register.	Branch in which kept.	Period for which to be kept.
I	Bench remand cases in which return has been received	Pending Record.	One year.
II	Affidavits	Ditto ..	Ditto.
III	Process-fees realized	Ditto ..	Twelve years.
IV	Receipt of files	Pending Record	Three years.
V	Remand	Ditto ..	One year.
VI	Petition Cause Book	Ditto ..	Ditto.
VII	Distribution of work	Examiner & Copy	Ditto.
VIII	Work performed by copyists	Ditto ..	Three years.
IX	Decrees, formal orders and judgments sent to Translating Department.	Ditto ..	One year.
X	Receipt diary	Ditto ..	Five years.

No. of register.	Name of register.	Branch in which kept.	Period for which to be kept.
XI	Receipt and disposal of applications for copies.	Examiner & Copy	One year.
XII	Account of printed copies of judgments sold.	Ditto ..	Three years.
XIII	Criminal cases sent to Legal Remembrancers.	Ditto ..	Ditto.
XIV	Daily receipt letters	Judicial Record	One year.
XV	Applications for copies	Ditto ..	Ditto.
XVI	Alphabetical index (Criminal) ..	Ditto ..	For ever.
XVII	Alphabetical index (Civil)	Ditto ..	Ditto.
XVIII	Cases in which memo of costs is prepared.	Ditto ..	One year.
XIX	Out-station Dak Book (files)	Issue ..	Ditto.
XX	Station Dak Book	Ditto ..	Ditto.
XXI	Number book	Issue ..	One year.
XXII	Issue Diary	Ditto ..	Five years.
XXIII	Printed records	Printed Record	Five years.
XXIV	Daily outturn of further appeal work	Ditto ..	One year.
XXV	Daily outturn of work by the copyists	Ditto ..	Ditto.
XXVI	Cases laid before the Registrar ..	Ditto ..	Ditto.
XXVII	Account of copies sent per value-payable post.	Ditto ..	Three years.
XXVIII	Copy Clerk's Ledger Account ..	Ditto ..	Five years.
XXIX	Copies supplied	Ditto ..	Three years.
XXX	Refund of inspection fees	Ditto ..	One year.
XXXI	Preparation of copies of translations ..	Ditto ..	Ditto.
XXXII	Circulars despatched	Ditto ..	Ditto.

No. of register.	Name of register.	Branch in which kept.	Period for which to be kept.
XXXIII	Post-card acknowledgment	Printed Record	Three years.
XXXIV	Inspection of files	Ditto ..	Ditto.
XXXV	Forms sent to Press	Ditto ..	Ditto.

C.—Statistical.

IV. The statistical registers are for purposes of preparing the monthly and annual returns of the Court, and the following shall be maintained and shall be preserved for the period specified against each :—

No. of register.	Name of register.	Branch in which kept.	Period for which to be kept.
I	Average duration of Civil appeals ..	Pending Record	Twelve years.
II	Valuation and cost of Civil appeals ..	Ditto ..	Ditto.
III	Disposal by a Bench	Ditto ..	Ditto.
IV	Reserved judgments	Ditto ..	One year.
V	Work done by Judges sitting in Chambers	Ditto ..	Twelve years.
VI	Court-fee realized	Deputy Registrar's Reader.	Ditto.
VII	Copying-fee stamps	Deputy Registrar	Two years.

PART IV.—OTHER PAPERS.

The following rules for the destruction of returns and English correspondence shall be observed :—

A.—Periodical returns.

I. (a) The following returns shall be preserved for one year and then destroyed :—

Monthly—Index of judicial correspondence.

[List of unanswered references.

Quarterly — { Coinage statements submitted by District
Magistrates. Probate statements submitted
by District Judges.

(b) The following returns shall be preserved for two years and then destroyed :—

Monthly — { Statement of Civil and Criminal work of
District and Sessions Courts.
District, Civil and Criminal statements.

Annual — Probate statements submitted by District Judges.

(c) The following returns shall be preserved for three years and then destroyed :—

Annual — { Budget estimates.
District, Civil and Criminal statements.
Manuscript copies of all annual reports received from District Courts.

NOTES.—1. Correspondence connected with the above returns will be destroyed at the same time, except such as may be of importance, which will be preserved for another year.

2. The general statements compiled in the High Court office for the preparation of the Civil and Criminal report, as well as the general statement of Civil and Criminal work, will be preserved for ten years and then destroyed. The general monthly statements of the work of District Courts will be preserved for the same period.

B.—Correspondence.

II. The following will be preserved for one year and then destroyed :—

(i) Reminders.

(ii) Charge certificates.

(iii) Letters asking for circulars, almanacs, copies of rules, petitions for employment, private letters and

petitions asking for information regarding rules or the practice of the Court and such like.

(ii) Arrear statements.

C.—Accounts.

III. Bills and vouchers will be preserved for three years and then destroyed. Counterfoils and miscellaneous account papers will be preserved for three years and then destroyed. Cash books, journals and ledger accounts shall be preserved indefinitely.

D.—General.

IV. When any paper is destroyed the letter "D" shall be entered in red ink against the entry in the register in which such paper is registered.

V. The period for which a paper is to be preserved shall be reckoned from the 1st Baisakh following the date which it bears, *e. g.*, papers of 1985, which under these rules have to be retained for one year, will become liable to destruction after the last day of Chet 1986.

APPENDIX.

ORDER No. 1.

WHEREAS it is expedient to establish a High Court of Judicature for the Jammu and Kashmir State, His Highness the Maharaja Bahadur is pleased to command as follows :—

Establishment of the High Court of Judicature, Jammu and Kashmir State and the constitution thereof. That with effect from the fifteenth day of Baisakh Samvat one thousand nine hundred and eighty five, the High Court of Judicature Jammu and Kashmir State shall be constituted and shall consist of a Chief Justice and one or more Judges, as His Highness the Maharaja Bahadur may, from time to time, think fit to appoint. One of the Judges shall have revenue experience and shall be styled Judge High Court and Revenue Commissioner.

The Chief Justice and every Judge of the High Court of Judicature shall hold office during His Highness the Maharaja Bahadur's pleasure.

2. The said Court shall henceforth be styled the High Court of Judicature Jammu and Kashmir State.
Title.

3. The Chief Justice and every Judge of the High Court of Judicature previously to entering upon the execution of the duties of their respective offices shall make and subscribe the following declaration before His Highness the Maharaja Bahadur, or such officer as may be appointed in this behalf :—
Oath of Office.

"I.....appointed Chief Justice (or a Judge) of the High Court of Judicature Jammu and Kashmir State, do solemnly declare that I will administer Justice according to the law and usage of the Realm, without fear or favour, affection or ill-will".

4. The High Court of Judicature shall have and use, as occasion may require a seal bearing a device and impression of the Jammu and Kashmir Court of Arms with an exergue or label surrounding the same, with this inscription, "The seal of the High Court of Judicature, Jammu and Kashmir".
Seal.

The said seal shall be delivered to and kept in the custody of the Chief Justice or of an officer of the court from time to time nominated by the Chief Justice.

5. All writs, summonses, precepts, rules, orders and other mandatory processes to be used, or issued or awarded by the High Court of Judicature shall run and be in the name and style of His Highness the Maharaja Bahadur and shall be sealed with the Seal of the Court.
Writs, etc.

6. (a) The High Court of Judicature shall have jurisdiction to hear and determine any original proceeding or any suit of which the value is not less than Rs. 10,000 and notwithstanding anything contained in Section 15 of the Code of Civil Procedure of Samvat year 1977, every such suit or proceeding shall be instituted in the High Court of Judicature.
Original Jurisdiction.

Provided that nothing in this clause shall affect the provisions of Section 24 of the Code of Civil Procedure of Samvat year 1977, in respect of a suit, appeal, or other proceeding pending before a court subordinate to it to try or dispose of the same.

(b) The High Court of Judicature shall be deemed for the purposes of all enactments, for the time being in force, to be the highest Civil Court of appeal and revision.

(c) The High Court of Judicature shall be the highest Court of Criminal appeal.

(d) The High Court of Judicature shall be empowered to hear and decide such revenue appeals as may be specified by general or special orders of His Highness in this behalf and shall be deemed to be the highest court of Revenue appeal.

7. (a) Except as otherwise provided by any enactment for the time being in force and subject to any rules made under this order, with the sanction of His Highness the Maharaja Bahadur, the jurisdiction of the High Court of Judicature may be exercised by a single Judge of the Court or by a bench of two or more Judges of the Court.

Jurisdiction by Judges of the Court.

(b) Revenue appeals and revisions shall first be heard by the Revenue Commissioner sitting alone and appeals or revisions against his decisions shall lie to a bench consisting of two other Judges of the Court.

(c) Subject to the provisions of clause (b) above, the Chief Justice shall determine which Judge in each case shall sit alone, and which Judges of the Court shall constitute a bench.

8. (a) Except as otherwise provided by any enactment for the time being in force, an appeal from any original decree, or from any order against which an appeal is permitted by any law for the time being in force, made by a single Judge of the High Court of Judicature shall lie to a bench consisting of two other Judges of the Court.

Appeals from Civil Jurisdiction.

(b) Except as otherwise provided by an enactment for the time being in force, an appeal from an appellate decree made by a single Judge of the High Court of Judicature shall lie to a bench consisting of two other Judges of the Court.

9. (a) When there is a difference of opinion among the Judges composing any bench of the High Court of Judicature, the decision shall be in accordance with the opinion of the majority of the Judges.

Rule of decision in civil cases when Judges differ.

(b) if there is no such majority then —

(i) if the bench is a full bench, the decision shall be in accordance with the decision of the Senior Judge, and

(ii) in other cases the bench before which the difference has arisen shall either refer the question to a full bench, or refer the whole case for decision to the full bench,

10. (a) Any single Judge, and any bench of two Judges of the High Court of Judicature, not being a full bench, may, in any case, refer for the decision of a full bench any question of law, or custom having the force of law, or of the construction of any document, or of the admissibility of any evidence, arising before the Judge or the bench and shall dispose of the case in accordance with the decision of the full bench.

Power to refer question to a full bench or a bench.

(b) Any Judge of the High Court of Judicature may if he thinks fit, refer any appeal or application coming before him for hearing as a single Judge to a bench of two Judges for decision.

11. (a) Subject to such rules and regulations as His Highness the Maharaja Bahadur may be pleased to frame in this behalf, the general superintendence and control over all Courts shall be vested in, and they shall be subordinate to the High Court of Judicature.

Superintendence and control of subordinate courts.

(b) The Chief Justice or a Judge of the High Court of Judicature appointed by him, shall from time to time visit and inspect the proceedings of the Courts subordinate to the High Court of Judicature and shall give such directions in matters not provided for by law as may be necessary to secure the due administration of justice.

12. (a) The High Court of Judicature may, subject to the sanction of His Highness the Maharaja Bahadur, and on such terms as to salary, allowances, promotion, leave, suspension, and dismissal, as may be sanctioned by the His Highness the Maharaja Bahadur, appoint a Registrar, a Deputy Registrar, and such other Ministerial officers as may be necessary for the administration of justice by the Court, and for the exercise and performance of the powers conferred, and duties imposed on it by this order, or by any other enactment for the time being in force.

Ministerial Officers.

(b) The Officers so appointed shall exercise such powers and discharge such duties as the High Court Judicature may direct.

(c) The High Court of Judicature may delegate to the Registrar, the Deputy Registrar, or both, such judicial, quasi-judicial, or administrative powers as it may deem fit.

13. (a) The appointments of the District and Sessions Judges, Subordinate Judges and Munsiffs shall be made by His Highness the Maharaja Bahadur on the recommendation of the High Court of Judicature.

Appointments and powers of subordinate judicial officers.

(b) The High Court of Judicature shall have power to transfer and grant leave to Subordinate Judges and Munsiffs.

(c) The High Court of Judicature may subject to the sanction of His Highness the Maharaja Bahadur, grant leave to and transfer District and Sessions Judges and may confer Civil and Criminal powers according to law on District and Sessions Judges, Subordinate Judges, Munsiffs, District Magistrates Sub-Divisional Magistrates and other officers exercising judicial functions.

(d) The High Court of Judicature shall have no independent powers of punishment, such as reduction, suspension and dismissal of judicial officers, but it

shall have the powers to enquire into cases of misconduct and submit its recommendations for the orders of His Highness the Maharaja Bahadur.

14. The usual places of sittings of the High Court Judicature shall be Jammu and Srinagar,
Place of sitting.

15. Whenever it appears to the Chief Justice convenient that the jurisdiction and power vested in the High Court of Judicature by this order or by any other law for the time being in force, should be exercised in any place within the jurisdiction of any Court subject to the superintendence of the High Court of Judicature other than the usual places of sitting of the High Court of Judicature or at several such places by way of circuit, one or more judges of the High Court of Judicature shall hold court at such place or places.
Special Commissions and Circuit.

16. The High Court of Judicature shall comply with such requisitions, as may, from time to time, be made under the commands of His Highness the Maharaja Bahadur for records, returns and statements.
Requisitions by His Highness the Maharaja Bahadur.

17. Cases requiring confirmation of sentences of death or of imprisonment for life shall be submitted to His Highness the Maharaja Bahadur for confirmation in accordance with the provisions of the Code of Criminal Procedure.
Confirmation of sentences.

18. (a) The High Court of Judicature may, with the sanction of His Highness the Maharaja Bahadur, and after previous publication, and consistently with the provisions of the Codes of Civil and Criminal Procedure and of any other law in force for the time being, make rules—
Power to make rules.

(i) to regulate the practice of the Court,

(ii) to regulate the practice of the Courts subordinate thereto,

(iii) to provide for the forms to be used in the High Court of Judicature and the Courts subordinate thereto for such proceedings, books, entries, statistics, and accounts as it thinks fit,

(iv) to provide for the inspection of Courts subordinate thereto and the supervision of the work thereof,

(v) to regulate all such matters as it may think fit with a view to promote the efficiency of the judicial and ministerial officers of the High Court of Judicature and of the Courts subordinate thereto, and the maintaining of proper discipline among those officers.

(b) Such rules shall be made with the approval of a majority of the Judges of the Court.

19. (a) The High Court of Judicature shall have the power to approve, admit and enrol Advocates, Vakils and attorneys-at-law, subject to a limit fixed by His Highness the Maharaja Bahadur.
Admission of Advocates, etc.

(b) The High Court of Judicature shall have power to make rules, from time to time, with the sanction of His Highness the Maharaja Bahadur, for the qualification

and admission of proper persons to be Advocates, Vakils and attorneys-at-law of the High Court of Judicature and it shall also have the power to remove or suspend from practice, on reasonable cause, the said Advocates, Vakils and attorneys-at-law.

20. The High Court of Judicature shall have the power to punish any person who is guilty of contempt in relation to itself, or to any court subordinate to it.

Contempt.

21. (a) All appeals, revisions and other judicial proceedings pending on the civil or criminal side of the High Court on the date on which this order comes into force, shall be continued, heard and determined in the High Court of Judicature for the Jammu and Kashmir State according to law.

Pending cases.

(b) All appeals, and revisions against the decrees and orders of the High Court of which any competent authority may be seized on the date on which this order comes into force, shall be transferred to the High Court of Judicature as constituted by this order for final disposal.

(c) All appeals, revisions and reviews against the judgments and orders of the High Court which can and may be duly filed on and after the date on which this order comes into force shall be entertained and finally disposed of by the High Court of Judicature.

(d) Revenue appeals and revisions pending before His Highness or in the Court of the Revenue Minister may, by His Highness' general or special orders be transferred for decision to the High Court of Judicature.

(e) All pending applications for the review of the orders of His Highness the Maharaja Bahadur in appeal or revision against the orders of the High Court or of the Revenue Minister or such applications as may be presented hereafter till this order comes into force, will be dealt with and disposed of as heretofore.

(f) No Judge of the High Court of Judicature sitting in a full bench thereof, notwithstanding anything to the contrary provided anywhere, shall by reason of his having decided or otherwise dealt with any case referred to in clauses (a), (b), (c), (d), and (e) above, be barred from hearing and deciding the same.

22. Consequent on the promulgation of this order, all the changes required to bring the existing laws, regulations or enactments into conformity with the provisions of this order shall be made at as early a date as possible with the sanction of His Highness the Maharaja Bahadur.

Consequential Changes.

23. (a) Nothing herein contained and nothing contained in any other law for the time being in force, shall be deemed to affect in any way or derogate from the inherent power and prerogative of His Highness the Maharaja Bahadur or to affect in any way his prerogative of mercy and pardon, or his power of remitting, commuting or reducing sentences conditionally or otherwise, or to bar the full and unqualified exercise of His Highness the Maharaja Bahadur's pleasure in calling for the record of any case or proceeding whether pending before or decided by, the High Court of Judicature or any Court subordinate thereto, or to pass such orders thereon as may be in accordance with the law and usage of the Realm and consonant with the dictates of justice, equity and good conscience.

Royal Prerogative.

(b) Except as provided by this order, there shall be no appeal or revision against the decree and orders of the High Court of Judicature for Jammu and Kashmir State.

By command of His Highness the Maharaja Bahadur.

JAMMU: }

26th March 1928. }

(Sd.) P. K. WATTAL,

MINISTER-IN-WAITING.



Allama Iqbal Library



78442

(6) For the purpose of this order, there shall be no appeal or
from the order and orders of the High Court of Judicature for the
State.

By command of His Highness the Maharaja of Mysore

(Sd/-) P. K. WATIAL

Advocate

Channarayana



**ALLAMA
IQBAL LIBRARY**

**UNIVERSITY OF KASHMIR
HELP TO KEEP THIS BOOK
FRESH AND CLEAN**